

RULES OF THE SENATE OF CANADA

March 2010

The seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented to the Senate on October 27, 2009, and adopted by the Senate on November 4, 2009, authorized the Clerk “to update the on-line version of the *Rules of the Senate* from the time any change is approved by the Senate”. The following version of the Rules reflects changes made to the Rules up to the end of the second session of the fortieth Parliament.

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PART I

INTERPRETATION

Procedure in unprovided cases

1. (1) In all cases not provided for in these rules, the customs, usages, forms and proceedings of either House of the Parliament of Canada shall, *mutatis mutandis*, be followed in the Senate or in any committee thereof.

Priority of rules over practice

(2) The *Rules of the Senate* shall in all cases be interpreted as having priority over any practice, custom or usage described in any of the appendices to the rules. Any conflict between the appendices and the rules shall be resolved by reference to the rules alone.

Gender	(3) In the French version, the masculine gender is used throughout, without any intent to discriminate but solely to make the text easier to read. The distinction in French should not be between "masculine" and "feminine" genders but between "marked" and "unmarked" genders; the so-called masculine gender is an unmarked gender and can therefore represent, by itself, elements of both genders. The feminine gender is marked and therefore cannot be used to refer to elements of both genders.
Privileges unaffected	2. Except so far as is expressly provided, these rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.
Suspension of rule	3. Notwithstanding anything in these rules, any rule or part thereof may be suspended without notice by leave of the Senate, the rule or part thereof proposed to be suspended, and the reason for the proposed suspension, being distinctly stated.
Definitions	4. In these rules, unless the context otherwise requires:
"Ordinary daily hour of adjournment"	<p>(a) Adjournment</p> <p>"Ordinary daily hour of adjournment" means the time provided in these rules, or as otherwise provided by order of the Senate, for the adjournment of the Senate.</p>
"Committee"	<p>(b) Committee</p> <p>(i) "Committee" means a committee of the whole, a select committee, whether standing, special or legislative, or a joint committee;</p>
"Committee of the Whole"	(ii) "Committee of the Whole" means a committee composed of the whole body of the Senators;
"Select Committee"	(iii) "Select Committee" means a committee composed of less than the whole body of Senators and includes both a standing committee and a special committee;
"Standing Committee"	(iv) "Standing Committee" means a select committee appointed to consider and to report to the Senate on matters falling within the duties specifically assigned to it by these rules, and on other matters that may from time to time be referred to it by the Senate.
"Joint Committee"	(v) "Joint Committee" means a committee composed of members of the Senate and of the House of Commons;

"Special Committee" (vi) "Special Committee" means a select committee, other than a standing committee, appointed to consider certain matters and to report thereon to the Senate;

(c) Inquiry

"Inquiry" "Inquiry" means the procedure whereby a Senator, after giving notice in accordance with rules 56 and 57, calls the attention of the Senate to a particular matter for the purpose of informing the Senate of that matter or having it considered or examined by the Senate.

(d) Leader

"Government Leader in the Senate" (i) "Government Leader in the Senate" means the Senator occupying the recognized position of Leader of the Government in the Senate or a Senator acting for that Senator;

"Leader of the Opposition" (ii) "Leader of the Opposition" means the Senator occupying the recognized position of Leader of the Opposition in the Senate or a Senator acting for that Senator.

"Deputy Leaders in the Senate" (iii) "Deputy Leader of the Government in the Senate" and "Deputy Leader of the Opposition in the Senate" mean the Senators occupying, respectively, the recognized positions of Deputy Leader of the Government in the Senate and Deputy Leader of the Opposition in the Senate or Senators acting for these Senators;

"Leader of a recognized party in the Senate" (iv) "Leader of a recognized party in the Senate" means a Senator who is the Government Leader in the Senate, the Leader of the Opposition or the leader of any recognized third party in the Senate;

"Leader of a recognized third party in the Senate" (v) "Leader of a recognized third party in the Senate" means a Senator, other than the Government Leader in the Senate or the Leader of the Opposition, who is the leader of a recognized party in the Senate or a Senator acting for that Senator.

(e) Motions, Notices of Motions and Questions

"Motion" (i) "Motion" means a proposal made by a Senator that the Senate or a committee thereof do something, order something to be done, or express an opinion concerning some matter;

"Substantive motion" (ii) "Substantive motion" means an independent motion neither incidental to nor relating to a proceeding or order of the day already before the Senate;

"One day's notice" (iii) "One day's notice" means a notice given on any sitting day for a motion to be made on the next succeeding sitting day;

"Two days' notice" (iv) "Two days' notice" means a notice where a sitting day intervenes

between the day on which the notice is given and the day on which the motion or inquiry is made;

"Question" (v) "Question", except in respect of the question period and a question of privilege, means a proposal presented to the Senate or a committee thereof by the Speaker or Chairman for consideration and disposal in some manner;

"Previous question" (vi) "Previous question" means a motion "that the original question be now put".

(f) Ordered

"Ordered by the Senate" "Ordered by the Senate" or any expression of like import means ordered by majority decision.

(g) Person

"Person" (i) "Person" or any word or expression descriptive of a person, includes any body corporate or politic, and the heirs, executors, administrators or legal representative of such person, and words importing male or female persons include persons of either gender;

"Person authorized to be on the floor of the Senate Chamber while the Senate is sitting" (ii) "Person authorized to be on the floor of the Senate Chamber while the Senate is sitting" means any person so authorized by order of the Senate, Act of Parliament, delegated legislative authority or by custom and practice of the Senate.

(h) Petitions

"Petition" "Petition" means a written prayer presented to the Senate, and includes all petitions whether relating to public or private matters, matters of general policy, or to the redress of local or personal grievances.

(i) Rule

"Rule" "Rule" means any standing rule or standing order of the Senate.

(j) Sittings

"Meeting of the Senate" (i) "Meeting of the Senate" means the times set out in these rules, or as otherwise ordered, for the Senate to meet for the transaction of business;

"Sitting of the Senate" (ii) "Sitting of the Senate" means all the time between the end of prayers and the adoption of a motion to adjourn the Senate.

Miscellaneous

(k) Miscellaneous

(i) Bill

"Bill"

"Bill" means a draft Act of Parliament and includes a private and a public bill;

(ii) Proceedings

"Intermediate Proceeding"

"Intermediate Proceeding" means any item which would be recorded in the *Journals of the Senate*.

(iii) Leave

"Leave of the Senate"

"Leave of the Senate" means leave granted without a dissenting voice.

(iv) Writing

"Writing"

"Writing", "written" or any term of like import includes words printed, typewritten, painted, engraved, litho-graphed, photographed, or represented or reproduced by any mode of representing or reproducing words in a visible form.

(v) Shall

"Shall"

"Shall" is to be construed as imperative, and "may" as permissive.

(vi) Recognized Party in the Senate

"Recognized party in the Senate"

"Recognized party in the Senate" means a political party that
(A) initially has five or more members in the Senate and is at the same time a registered party under the *Canada Elections Act*, and
(B) continues without interruption to have five or more members in the Senate, whether or not it ceases to be a registered party under the *Canada Elections Act*.

PART II

SITTINGS OF THE SENATE

Times of sittings

5. (1) Unless otherwise previously ordered,
(a) except as provided in sub-paragraph (b)

below, the Senate shall meet for the transaction of business at 2:00 o'clock in the afternoon;
(b) on a Friday, the Senate shall meet for the transaction of business at 9:00 o'clock in the forenoon.

Sounding of bells

(2) Not later than fifteen minutes prior to the times provided in section (1) above, the bells to call in the Senators shall be sounded and shall cease when a quorum is seen.

Speaker to enter

(3) At the times provided in section (1) above, the Speaker shall enter the Senate Chamber, whether a quorum is then present or not.

Prayers

(4) As soon as a quorum is seen the Speaker shall forthwith proceed to prayers.

Midnight adjournment

6. (1) Except as otherwise provided in these rules or as previously ordered by the Senate, if the Senate is sitting at 12:00 o'clock midnight, the Speaker shall interrupt any proceeding then before the Senate and shall declare that a motion to adjourn the Senate has been deemed to have been moved and adopted and shall leave the Chair until the time provided for the next meeting of the Senate.

Friday afternoon adjournment

(2) Except as otherwise provided in these rules or as otherwise ordered by the Senate, if the Senate is sitting at 4:00 o'clock in the afternoon on a Friday, the Speaker shall interrupt any proceeding then before the Senate and shall declare that a motion to adjourn has been deemed to have been moved and adopted and leave the Chair until the time provided for the next meeting of the Senate.

Adjournment of "Government Business"

(3) Any item of "Government Business" as provided in rule 26(1) which was under consideration when the Senate adjourned in accordance with the provisions of sections (1) and (2) above, shall be deemed to have been

adjourned and shall be placed on the Orders of the Day for the next sitting of the Senate.

Adjournment of "Other Business"

(4) Any item of "Other Business" as provided in rule 26(2), that was under consideration when the Senate adjourned in accordance with the provisions of section (1) above, shall be deemed to have been adjourned and shall be placed for the next sitting of the Senate at the top of the Order of Business for the consideration of "Other Business".

No adjournment until after deferred vote

7. (1) When a standing vote has been deferred, pursuant to rule 67(1), and is to be held during a sitting at 5:30 o'clock p.m., if the Senate completes its business on that day before this time, no motion to adjourn the Senate shall be received until after the deferred vote has been taken and business pursuant thereto has been completed.

Sounding of bells at 5:15 p.m.

(2) When the Senate has completed its business for that day prior to the time for the taking of a deferred vote, the Speaker shall suspend the sitting until 5:15 o'clock p.m., whereupon the bells to call in the Senators shall be sounded until 5:30 o'clock p.m. and the Speaker shall proceed to take the deferred vote in accordance with the provisions of rules 65(3) and 67(1).

Pro forma bill

8. On the first day of each session of Parliament, a bill is read *pro forma* and the Speech from the Throne is reported by the Speaker.

Quorum of fifteen

9. (1) A quorum, consisting of fifteen Senators, including the Speaker, shall be required for the Senate to transact business.

Sounding of bells for quorum

(2) During any sitting of the Senate, when a Senator draws the attention of the Senate to the possible lack of quorum, the Speaker:
(a) shall cause the Senators who may be in the

adjoining rooms to be summoned; and
(b) if no quorum is seen within five minutes, shall order the bells to call in the Senators to be sounded for not more than fifteen minutes.

Lack of quorum

(3) If no quorum is seen after the time provided in sub-paragraph (2)(b) above, the Speaker shall adjourn the Senate until the next sitting day without the question being put.

Business adjourned to next sitting

(4) Except if the item before the Senate is a motion moved in accordance with rule 61(1), the item of business under consideration when the Speaker adjourns the Senate pursuant to section (3) above, shall be placed on the Orders of the Day for consideration at the next sitting of the Senate.

When Speaker leaves Chair

10. Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during any part of the sitting or any day, the Speaker may call upon any Senator to take the Chair and preside as Speaker during the remainder of such day, or until the Speaker resumes the Chair before the end of the sitting for that day.

Absence of Speaker

11. Whenever the Senate is informed by the Clerk at the Table of the unavoidable absence of the Speaker, the Senator chosen by the Senate under rule 85(1)(a) to preside as Speaker *pro tempore*, or, if that Senator is absent, any Senator chosen by the Senate, shall preside during such absence and shall thereupon have and execute all the powers, privileges and duties of the Speaker until the Speaker, or the Speaker *pro tempore*, as the case may be, resumes the Chair.

Acts valid

12. Every act done by any Senator, acting as aforesaid, shall have the same effect and validity as if the act were done by the Speaker.

Evening sittings

13. (1) Except as provided in section (2) below,

and elsewhere in these rules, if, at 6:00 o'clock in the afternoon, the business be not concluded, the Speaker or the Chairman of the Committee leaves the Chair until 8:00 o'clock, the Mace being left on or under the Table, as the case may be.

Exception

(2) If at the time provided in section (1) above, a standing vote has been ordered, the Speaker or the Chairman shall not leave the Chair until such standing vote has been taken and any formal business immediately consequent thereon has been completed.

Friday adjournment

14. Unless otherwise ordered, when the Senate adjourns on Friday, it shall stand adjourned until the Monday following.

Motion to adjourn

15. (1) A motion to adjourn the Senate, unless otherwise prohibited in these rules or unless otherwise ordered by the Senate, shall always be in order.

When motion can be moved

(2) A motion to adjourn the Senate can only be moved when the Senator moving the motion has the floor to speak to a question before the Senate and not on a point of order.

No debate

(3) When a motion is moved, in accordance with the provisions of sections (1) and (2) above, the Speaker shall put the question forthwith without debate or amendment.

Standing vote

(4) Any standing vote, requested pursuant to rule 65(3), in relation to any motion moved in accordance with sections (1) and (2) above, shall not be deferred but shall be taken in accordance with the provisions of rule 66(1).

Second motion

(5) If the Senate resolves in the negative on a motion moved pursuant to section (2) above, no second motion to the same effect shall be received until some intermediate proceeding has taken place.

Demeanour

16. When the Senate adjourns, Senators shall stand until the Speaker has left the Chamber.

Recall of Senate

17. (1) During any adjournment of the Senate, if the Speaker is satisfied that the public interest requires that the Senate meet at an earlier time than that provided in the motion for such adjournment, the Speaker may call such a meeting. In so doing the Speaker shall send a notice by the most effective method of communication to each Senator at the address last filed by the Senator with the Clerk of the Senate and to the Senator's office in Ottawa. Such notice shall indicate the time of the meeting of the Senate and the purpose.

Extended time of adjournment

(2) During any adjournment of the Senate, if the Speaker is satisfied that the public interest does not require the Senate to meet at the time provided in the order of adjournment the Speaker shall:

(a) consult the Leader of the Government in the Senate, the Leader of the Opposition, and the leaders of any recognized third parties in the Senate, or, in all cases, their designates;

(b) determine an appropriate date for the next sitting of the Senate; and (c) cause to be sent a notice to each Senator, at the address last filed by the Senator with the Clerk of the Senate and to the Senator's office in Ottawa, setting out the time of the next sitting of the Senate.

Non-receipt of notices

(3) Non-receipt by a Senator of the notices referred to in subsections (1) and (2) does not affect the validity of the notice.

Absence of Speaker

(4) In the absence of the Speaker, or when the office of the Speaker is vacant, the Clerk of the Senate may act for the purposes of this rule.

PART III

ORDER AND DECORUM

Authority of Speaker to preserve order and decorum

18. (1) The Speaker shall preserve order and decorum in the Senate. In doing so the Speaker may act without a want of order or decorum being brought to his or her attention. Furthermore, the Speaker shall be authorized to act on his or her own initiative to interrupt any debate to restore order or to enforce the *Rules of the Senate*. In the case of grave disorder, the Speaker may suspend the sitting of the Senate for a period not to exceed three hours.

Speaker's reasons

(2) The Speaker shall decide points of order and when so doing shall state the reasons for the decision together with references to the rule or other written authority applicable to the case.

Scope of Speaker's authority

(2.1) With respect to the *Conflict of Interest Code for Senators*, the authority of the Speaker is limited to matters expressly incorporated into these rules.

Speaker's decision re sufficiency of arguments

(3) When the Speaker has been asked to decide any question of privilege or point of order he or she shall determine when sufficient argument has been adduced to decide the matter, whereupon the Speaker shall so indicate to the Senate, and continue with the item of business which had been interrupted or proceed to the next item of business, as the case may be.

Appeal of Speaker's decisions

(4) Except in accordance with the provisions of rule 37(5), all decisions of the Speaker shall be subject to appeal to the Senate, and such an appeal shall be decided forthwith, without debate.

When Speaker rises

(5) When the Speaker rises, all other Senators shall remain seated or shall resume their seats.

Demeanour of Senators in Chamber

19. During any sitting of the Senate,

(1) Neither Senators nor any person authorized to be on the floor of the Senate Chamber while the Senate is sitting shall pass between the Chair and the Table, nor between a Senator who has the floor and the Chair;

(2) When entering, leaving or crossing the Senate Chamber, Senators shall bow to the Chair, symbol of the authority of the Senate;

(3) If Senators have occasion to have private conversations in the Senate Chamber, they shall go below the Bar, otherwise the Speaker shall order them so to do;

(4) No person, nor any Senator, shall bring any electronic device

which produces any sound, whether for personal communication or other use into the Senate Chamber, whether on the floor, inside the Bar, outside the Bar or in the galleries; and

(5) The provisions of paragraph (4) above shall not apply in the case of sound amplification devices used to aid hearing, so long as such devices cannot be heard by other Senators.

Ordering withdrawal of strangers

20. (1) If at any sitting of the Senate, or in Committee of the Whole, a Senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question "That strangers be ordered to withdraw", without permitting any debate or amendment.

Prior order not required

(2) When the Speaker or the Chairman shall think fit, either of them may order the withdrawal of strangers from any part of the Senate, without a prior order of the Senate to that effect.

Clearing of galleries

(3) When the Senate orders the withdrawal of strangers, the galleries shall be cleared, but those authorized to enter the Senate Chamber and to be on the floor of the Senate while it is in session shall continue to have free access to the Senate.

Participation of minister in debate

21. When a bill or other matter relating to any subject administered by a department of the Government of Canada is being considered by the Senate or in Committee of the Whole, a minister, not being a member of the Senate, may on invitation from the Senate enter the Senate Chamber and, subject to the rules, orders, usages, forms and proceedings of the Senate, may take part in the debate.

PART IV

ROUTINE OF BUSINESS

"Senators' Statements"

22. (1) At each daily sitting of the Senate, at the times provided in rule 5(1) and immediately after prayers, as provided in rule 5(4), except as provided in section (2) below, the Speaker shall call for "Senators' Statements".

Exception following emergency debate

(2) During any sitting, when an application for leave pursuant to rule 60 has been received and disposed of, the Speaker shall not call for "Senators' Statements" but shall forthwith proceed with the Routine of Business laid out in rule 23(6) below.

Oral notice of question of privilege

(3) When the Senate is considering "Senators' Statements" any Senator, who has previously given notice to the Clerk of the Senate in accordance with the provisions of rule 43(3) or (4), may give oral notice of a question of privilege he or she intends to raise later in the sitting. Priority shall be given to Senators who have given such notice, in accordance with the provisions of rule 43(10).

Criteria for "Senators' Statements"

(4) When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate. In particular, Senators' statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate. In making such statements, a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

Visitors in the gallery

(5) Senators wishing to draw the attention of the Senate to the presence in the gallery of a distinguished visitor shall do so by prior written notice to the Speaker. The Speaker shall, when the visitor is in the gallery, rise and draw the attention of the Senate to the presence in the gallery of that visitor.

Limitation on Senator's intervention

(6) Senators making interventions during this time shall be limited to speaking once for no more than three minutes.

Leave to extend time for "Senators' Statements"

(7) At any time during the time provided for consideration of "Senators' Statements", either Whip may approach the Speaker and request that the time provided for the item be extended. If such a request is received, the Speaker shall so inform the Senate at the next opportunity and shall, at the end of the time provided for the item, ask if the Senate grants leave to extend the time provided for the item and, if such leave

is granted, the time provided for the item will be extended for a period not to exceed thirty minutes.

Speaker remaining in chair after 6:00 p.m.

(8) If the time provided for the item is extended pursuant to section (7) above, and the Senate has not completed its business prior to 6:00 o'clock p.m. on that day, the Speaker shall not leave the Chair as provided by rule 13 but shall remain for a period equal to the time taken for the extended consideration of "Senators' Statements", whereupon the Speaker shall leave the Chair in accordance with the provisions of rule 13.

No standing votes

(9) During the time provided for "Senators' Statements" no standing vote shall be permitted and the provisions of rule 33 shall not apply.

Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading "Tributes" in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators.

Consideration of questions of privilege and points of order

23. (1) During the time provided for the consideration of the daily Routine of Business and the daily Question Period, it shall not be in order to raise any question of privilege or point of order. Any question of privilege or point of order to be raised in relation to any notice given during this time can only be raised at the time the Order is first called for consideration by the Senate.

First reading of bills

(2) The Introduction and First Reading of Government, Public and Private Bills are *pro forma* stages of consideration and shall be decided without debate or standing votes. In such cases the provisions of rule 65(3) shall not apply.

Deferral of standing vote

(3) Except as provided in section (4) below, any standing vote requested during the consideration of the daily Routine of Business shall stand deferred until 5:30 o'clock in the same afternoon.

Dilatory and procedural motions

(4) The provisions of section (3) above shall not apply to dilatory or procedural motions, which can be moved without notice and must be decided without debate. In such cases, the provisions of rule 66(1) shall apply and the time required for the taking of the standing vote shall not be considered as part of the time provided for the daily Routine of Business in section (6) below.

Calling of Orders of the Day at 8:00 p.m. and on Fridays at noon

(5) Except as otherwise provided by order of the Senate, or as provided elsewhere in these rules, when the Senate is sitting:

(a) at 8:00 o'clock p.m. if the Speaker has not called the Orders of the Day, he shall do so. If the usual order of business is interrupted for the consideration of a motion moved in accordance with the provisions of rule 44(1) or 61(1) or for consideration of a question of privilege in accordance with the provisions of rule 43, at 8:00 o'clock p.m., the Orders of the Day shall be deemed to have been called and been interrupted for the consideration of the said question or motion;

(b) at 12:00 o'clock noon on a Friday if the Speaker has not called the Orders of the Day, he shall do so. If the usual order of business is interrupted for the consideration of a motion moved in accordance with the provisions of rule 44(1) or 61(1) or for consideration of a question of privilege in accordance with the provisions of rule 43, at 12:00 o'clock noon on a Friday, the Orders of the Day shall be deemed to have been called and been interrupted for the consideration of the said question or motion.

Daily routine of business

(6) Except pursuant to rules 22(2) and (7), not later than fifteen minutes after the Speaker has called for "Senators' Statements" regardless of the item then before the Senate, the Speaker shall interrupt the business then before the Senate and shall call the daily Routine of Business in the following order:

Tabling of Documents

Presenting Reports from Standing or Special Committees

Government Notices of Motions

Introduction and First Reading of Government

Bills

Introduction and First Reading of Senate Public Bills

First Reading of Commons Public Bills

Reading of petitions for Private Bills

Introduction and First Reading of Private Bills

Tabling Reports from Inter-parliamentary delegations

Notices of Motions

Notices of Inquiries

Presenting Petitions.

Question period

(7) Not later than 30 minutes after the first item is called in accordance with section (6) above, regardless of the progress then made on the items listed therein, the Speaker shall interrupt any proceedings then before the Senate and shall forthwith call for the following:
Question Period.

Other orders of business

(8) Not more than 30 minutes after the Speaker calls for "Question Period", regardless of progress made on the items listed in sections (6) and (7) the Speaker shall call for:

Delayed Answers

Orders of the Day

Inquiries

Motions.

Oral questions

24. (1) When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

(a) the Leader of the Government in the Senate, if it is a question relating to public affairs,

(b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility, or

(c) the Chairman of a committee, if it is a question relating to the activities of that committee.

Supplementary questions

(2) Supplementary questions may be asked.

Questions taken as notice

(3) If an oral question cannot be answered immediately, the Senator to whom it is addressed may take the question as notice.

Explanatory remarks permitted

(4) A debate is out of order on an oral question, but brief explanatory remarks may be made by the Senator who asks the question and by the Senator who answers it.

Written questions

25. (1) A question described in paragraph 24(1)(a) or (b),

(a) that seeks statistical or other information not readily available, or

(b) to which an answer in writing is desired,

Shall be sent in writing to the Clerk of the Senate to be placed on the *Order Paper* until answered.

Printed replies

(2) The reply to a question on the *Order Paper* shall be tabled in the Senate, and a copy given to the Senator asking the question.

Orders of the Day

26. Unless otherwise ordered by the Senate and except as provided elsewhere in these rules, the Orders of the Day shall take precedence over all other business according to the following order of priority:

Government Business

(1) Government Business:

- (a) Orders of the Day for the third reading of government bills;
- (b) Orders of the Day for the consideration of reports from committees in relation to government bills;
- (c) Orders of the Day for the second reading of government bills;
- (d) Orders of the Day for the consideration of government motions; and
- (e) Orders of the Day for the consideration of other government business.

Other business

(2) Other business shall be considered after government business has been disposed of for that sitting in the following order of priority, except as provided in rule 6(4):

- (a) Orders of the Day for third reading of Senate public bills;
- (b) Orders of the Day for the third reading of Commons public bills;
- (c) Orders of the Day for the third reading of private bills;
- (d) Orders of the Day for the consideration of reports from committees in relation to Senate public bills;
- (e) Orders of the Day for consideration of reports from committees in relation to Commons public bills;
- (f) Orders of the Day for the consideration of reports from committees in relation to private bills;
- (g) Orders of the Day for the second reading of

Senate public bills;

(h) Orders of the Day for the second reading of Commons Public bills;

(i) Orders of the Day for the second reading of private bills;

(j) Orders of the Day for the consideration of adjourned debates on substantive motions other than government motions;

(k) Orders of the Day for continuing adjourned debates on inquiries;

(l) Orders of the Day called and not proceeded with; and

(m) Orders of the Day not called when the Senate adjourned.

PART V

PROCESS OF DEBATE; DOCUMENTS; PRIVILEGE

Priority of government business

27. (1) Except as otherwise ordered by the Senate or as provided elsewhere in these rules, government business shall have priority over all other business before the Senate. Government business shall be called and considered in such sequence as the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate shall determine.

Standing of orders until next sitting

(2) Except as provided in section (3) of this rule, or unless otherwise previously ordered, all Orders of the Day, if not disposed of before the adjournment of the Senate, shall stand on the *Order Paper* for the next sitting.

Deletion from *Order Paper*

(3) Unless previously ordered, any item under "Other Business", "Inquiries" and "Motions" that has not been proceeded with during fifteen sittings shall be dropped from the *Order Paper*.

Tabling of documents	28. (1) Whenever an Act of Parliament, or any resolution or rule of the Senate, requires that a return or report be laid before the Senate, the same may be deposited with the Clerk of the Senate. When so deposited, such return, report or other paper shall be deemed for all purposes to have been presented or laid before the Senate.
Record of tabling	(2) A record of any paper tabled pursuant to section (1) shall be entered in the <i>Journals</i> of the same day.
Tabling of government papers	(3) The Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may lay upon the Table, at the time provided in rule 23(6), other papers dealing with the administrative responsibilities of the government.
User fee proposal	(3.1) When the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate tables a document proposing a user fee, it is deemed referred, without debate or a vote, to the select committee designated in the Senate for the purpose by the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate following consultation with the Leader of the Opposition in the Senate or the Deputy Leader of the Opposition in the Senate.
Twenty sitting days	(3.2) If the select committee does not report within twenty sitting days, the committee is deemed to have recommended approval of the user fee.
Tabling of other documents	(4) With the leave of the Senate, at the time provided in rule 23(6), any Senator may lay upon the Table any paper relating to the business before the Senate.
Record of tabling	(5) A record of any paper laid upon the Table pursuant to sections (3) and (4) shall appear in both the <i>Journals</i> and the <i>Debates of the Senate</i> of the same day.

Preambles	29. A motion or inquiry prefaced by a written preamble shall not be received by the Senate.
Withdrawal of motion or inquiry	30. A Senator who has made a motion or presented an inquiry may withdraw or modify the same by leave of the Senate.
Motion not seconded	31. A motion made in the Senate, but not seconded, shall not be debated or put from the Chair.
Speaking in the Senate	32. A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.
Declaration of interest	32.1(1) When a Senator makes a declaration of private interest pursuant to the <i>Conflict of Interest Code for Senators</i> , or retracts such a declaration:
	<p>(a) if made in the Senate, the Speaker shall cause the declaration or retraction to be recorded in the <i>Journals of the Senate</i>;</p>
	<p>(b) if made in committee and the code allows the declaration or retraction to be published in the Minutes of Proceedings of the committee, the Clerk of the Senate shall cause the declaration or retraction to be recorded in the <i>Journals of the Senate</i>.</p>
Restrictions	<p>(2) Subject to section (3), when a Senator has made a declaration of private interest on a matter, the declaration, until retracted, shall be valid for all subsequent proceedings on the matter, whether in the Senate or in committee, and the Senator:</p>
	<p>(a) shall not participate in debate or vote on that matter in the Senate, but may abstain; and</p>
	<p>(b) shall withdraw from committee meetings during any proceedings on that matter.</p>

Exception

(3) If a declaration of private interest, or a retraction of such a declaration, is made in committee, but cannot be published in the Minutes of Proceedings under the code, the declaration or retraction is only valid for the meeting at which it was made. Unless authorization under the code to publish the declaration or retraction is subsequently given, the Senator shall repeat the declaration or retraction at the first possible opportunity.

Two or more Senators rising to speak

33. (1) When two or more Senators rise to speak at the same time, the Speaker shall call upon the Senator who, in the Speaker's opinion, first rose.

Motion to allow another Senator to speak

(2) In the circumstances provided in section (1) above, before the Senator recognized by the Speaker has begun to speak, a third Senator may rise on a point of order and propose a motion naming another Senator who had risen and proposing that this other Senator "be now heard" or "do now speak", and the question on such a motion shall be put forthwith without debate or amendment.

Adoption of motion

(3) If the Senate adopts a motion moved pursuant to section (2) above, the motion shall be deemed to be an order of the Senate that the Senator named in the motion be given the floor. The Senator so named shall have the floor until that Senator's intervention has been completed or the Senator's time has expired, and no further motion to the same effect shall be received until that time.

Non-adoption of motion

(4) If the Senate does not adopt a motion moved pursuant to section (2) above, the motion shall be deemed to be an order of the Senate that the Senator first recognized be given the floor. No further motion to the same effect shall be received until the Senator, first recognized, has completed his or her intervention.

Yielding the floor to another Senator

34. (1) Only one Senator shall have the floor at any one time. However, a Senator may yield the floor to another Senator.

(a) If a Senator wishes to seek leave of the Senator who has the floor to speak, that Senator shall not be recognized unless the Senator who has the floor first says "I yield the floor to Honourable Senator _____".

(b) If the Senator first recognized yields the floor, then that Senator shall not again be recognized in that debate. That Senator will be deemed to have spoken and may speak again only with the leave of the Senate.

(c) The Senator to whom the Senator first recognized yielded the floor would be able to speak for the remainder of the time allotted to the Senator from whom he or she received the floor and would be considered as having spoken in the debate and could not again speak in the debate except with the leave of the Senate.

Yielding the floor for a question

(2) The provisions of section (1) shall not apply if a Senator yields the floor for a question.

(a) In such a case, the Senator first recognized would be recognized again after the questioner was finished, but the entire exchange would be considered as part of that Senator's time for that debate.

(b) If a Senator is recognized to ask a question, that Senator is not considered to have spoken in the debate unless the Senator of whom he or she asked the question yielded the floor as provided in section (1) above. If the Senator merely asked a question, he or she would not be considered as having spoken and could be recognized to debate the question before the Senate.

Right of final reply

35. A Senator shall have the right of final reply if:

(a) the Senator has moved the second reading of a bill or made a substantive motion, other than a motion to adopt a committee report on the

Conflict of Interest Code for Senators pertaining to the conduct of a Senator, or an inquiry; or

(b) the Senator is the subject of a report made by a committee under the *Conflict of Interest Code for Senators*.

Closing of debate

36. The final reply provided for in rule 35 closes the debate. It is the duty of the Speaker to ensure that every Senator wishing to speak has the opportunity to do so before the final reply.

37. Except as otherwise provided in these rules, or as otherwise ordered by the Senate:

No Senator to speak more than once

(1) No Senator shall speak more than once. However, if a material part of the Senator's speech has been misunderstood, the Senator may speak again in the same debate. In such a case, the Senator, with leave of the Senate, shall be permitted no more than one period of five minutes to explain that part of the speech which was misunderstood. In so doing, the Senator shall not introduce new matters.

Unlimited Time for Leaders

(2) The Leader of the Government in the Senate and the Leader of the Opposition shall be permitted unlimited time for debate, and each leader of a recognized third party in the Senate shall be permitted no more than forty-five minutes for debate.

Time limit on speeches relating to bills

(3) The sponsor of a bill and the first Senator speaking immediately thereafter shall be permitted not more than forty-five minutes each for debate, inclusive of any question or comments from other Senators which they may permit in the course of their remarks.

General time limit on speeches

(4) Except as provided in sections (2) and (3) above, no Senator shall speak for more than fifteen minutes, inclusive of any question or comments from other Senators which the Senator may permit in the course of his or her remarks.

Expiry of time limits on speeches

(5) The Clerk of the Senate shall keep a record, which can be consulted at the Table, of the time taken by each Senator in each debate. The Clerk shall inform the Speaker whenever a Senator is about to exceed the time provided for his or her remarks. When a Senator is about to exceed the time limits provided in these rules, or as ordered by the Senate, the Speaker shall call the matter to the attention of the Senator. When the Senator's time has expired, the Speaker shall call that Senator to order and that Senator shall not again be recognized to debate the same question before the Senate and the Speaker shall recognize some other Senator, or if the debate is then concluded, shall put the question.

Agreement to allot time

38. At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may state from his or her place in the Senate, that there is an agreement among the representatives of the parties in the Senate to allot a specified number of days or hours to the proceedings at one or more stages of any item of government business. At the same time, without notice, the said Leader or Deputy Leader may propose a motion setting forth the terms of such agreed allocation and every such motion shall be decided forthwith without debate or amendment.

Government notice of motion to allocate time

39. (1) At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration of any stage of consideration of any adjourned debate on any item of government business. If so, at that time the said Leader or Deputy Leader may give notice of the terms of a motion to allocate a specified number of hours or days of debate on the said stage of consideration of the said item. Such motion shall be placed on the Orders of the Day under "Government Motions" for the next sitting day.

Time limits in government motion

(2) In the event of a motion being moved pursuant to section (1) of this rule, the motion shall provide for at least:

(a) a further six-hours debate on any substantive motion, except as provided below;

(b) a further six-hours debate on a motion for second reading of a public bill;

(c) one calendar day (in the period Monday to Friday) for a standing or special committee or a Committee of the Whole to report a bill back to the Senate failing which, at midnight on that day, the bill would be deemed to have been reported back without amendment; or

(d) a single period of a further six-hours debate, in total, to dispose of both the report and the third reading stages of a public bill.

Limitation

(3) Except as provided in sub-paragraph (2)(d) above, no motion moved pursuant to this rule shall allocate time to more than one stage of consideration of any item of government business.

Procedure on taking of standing vote

(4) Except as provided below, the provisions of rules 66 and 67 shall apply to the taking of any standing vote in relation to every Order of the Day to which time is allocated for debate, pursuant to rule 38 or this rule and shall be considered in accordance with the following provisions:

(a) except as provided in sub-paragraph (b) below, when debate on such an Order of the Day is concluded, or when the time provided for such a debate expires, the Speaker shall forthwith put the question without any further debate or amendment and any standing vote requested in relation thereto shall be deferred until 5:30 o'clock in the afternoon of the next day thereafter on which the Senate sits;

(b) if debate on such an Order of the Day is concluded or the time provided for the debate expires prior to 5:30 o'clock p.m., the Speaker shall forthwith put the question and any standing vote requested in relation thereto shall not be subject to the provisions of rule 67 and shall be deferred until 5:30 o'clock p.m. of the same afternoon.

Procedure on consideration of order

(5) When an Order of the Day has been called, to which a specified period of time has been allocated for its consideration, and is under consideration:

(a) at the ordinary daily hour of adjournment, the Senate shall not adjourn but shall continue consideration of the said Order of the Day until the debate has concluded or the time provided for the debate has expired, whereupon the Speaker shall proceed to put the question or questions;

(b) when the question is put pursuant to sub-paragraph (a) above, the Speaker shall thereupon declare that a motion to adjourn the Senate has been deemed to have been made and adopted and leave the Chair until the time provided for the next meeting of the Senate;

(c) when the Senate would otherwise take its dinner hour interruption in accordance with the provisions of rule 13, the sitting shall not be interrupted until the debate is concluded, or the time provided for the consideration of the Order of the Day has expired, whereupon the Speaker shall put the question or questions necessary to dispose of the Order of the Day;

(d) whenever the question has been put pursuant to the provisions of sub-paragraph (c) above, any standing vote requested in relation thereto shall be taken in accordance with the provisions of rule 66;

(e) when such an Order of the Day is under

consideration at the time provided for taking a deferred standing vote, such consideration shall be interrupted and the Senate shall resume consideration of the said Order of the Day immediately after it has completed all business related to the item to which a standing vote had been requested in accordance with rule 65(3).

Interruption

(6) When consideration of an Order of the Day, to which a specified period of time has been allocated, is interrupted for the consideration of a motion moved in accordance with the provisions of either rule 44(1) or 61(1), once the said motion or motions have been disposed of, the Senate shall immediately proceed to resume consideration of the Order of the Day.

No other motions to be received

(7) When an Order of the Day has been called, to which a specified period of time has been allocated for its consideration, the same shall not be adjourned and no amendment thereto, nor other motion, except that a certain Senator be now heard or do now speak, shall be received.

Procedure on government motion to allocate time

40. (1) When an Order of the Day for a motion to allocate time for the consideration of any item of government business is called:

(a) the same shall not be adjourned and no amendment thereto, nor other motion, except that a certain Senator be now heard or do now speak, shall be received;

(b) the Speaker shall interrupt any proceeding then before the Senate and put every question necessary to dispose of the motion not later than two and one half hours after the order is called; and

(c) any standing vote requested in relation thereto shall not be deferred and shall be taken subject to the provisions of rule 66(1).

Procedure during debate of government motion

(2) During debate on the motion:

(a) no Senator shall speak more than once;

(b) the Leader of the Government in the Senate and the Leader of the Opposition may each speak for no longer than thirty minutes, and each leader of a recognized third party in the Senate may speak for no longer than fifteen minutes;

(c) except as provided in sub-paragraph (b) above, no Senator may speak for longer than ten minutes; and

(d) whenever the debate is interrupted pursuant to rule 13, the debate shall be resumed when the sitting is resumed.

Mover or seconder may speak later

41. A Senator who moves an order of the day or seconds a motion, but does not speak to it at that time, may address the Senate on the subject at any subsequent period of the debate.

No debate on mere interrogation

42. A debate shall not be in order on an oral question, but brief explanatory remarks may be made by the Senator making the interrogation and by the Senator answering the same. Observations upon any such answer shall not be allowed.

Criteria for raising question of privilege

43. (1) The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*. Action to ensure such protection takes priority over every other matter before the Senate. However, to be accorded such priority, a putative question of privilege must meet certain tests. It must, *inter alia*,

(a) be raised at the earliest opportunity;

(b) be a matter directly concerning the privileges of the Senate, of any committee thereof, or any

Senator;

(c) be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available; and

(d) be raised to correct a grave and serious breach.

Failure to raise at earlier opportunity

(2) If the matter is not raised at the earliest opportunity, the Senator raising the matter may put it on notice, but the matter cannot be proceeded with under the terms of this rule.

Written notice

(3) Except as provided in section (4) below, a Senator wishing to raise a question of privilege shall, at least three hours before the Senate meets for the transaction of business, give a written notice of such question to the Clerk of the Senate.

Notice for Friday

(4) A Senator wishing to raise a question of privilege on a Friday shall, at not later than 6:00 o'clock p.m. on the immediately preceding Thursday, give a written notice of such question to the Clerk of the Senate.

Distribution of notices by Clerk

(5) Immediately upon receipt of a notice required in sections (3) and (4) above, the Clerk of the Senate shall arrange for the immediate translation and dispatch to each Senator's office address in Ottawa, a copy of the original notice and the translation.

Non-receipt of notice

(6) The non-receipt by any Senator of a copy of the notice required to be distributed pursuant to section (5) above, shall not affect the validity of the notice, nor can it be raised as a reason to delay the consideration of the question of privilege.

Oral notice

(7) A Senator having given a notice, in accordance with section (3) or (4) above, shall be recognized during the time provided for the consideration of "Senators' Statements", for the

purpose of giving oral notice of the question of privilege. In doing so, the Senator shall indicate that he or she is prepared to move a motion either calling upon the Senate to take action in relation to the matter complained of or referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Time of Senate consideration

(8) Except as provided in section (9) below, the Senate shall take up consideration of whether the circumstances constitute a question of privilege at not later than 8:00 o'clock p.m., or immediately after the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first.

Senate consideration on Friday

(9) On Friday, consideration of whether the circumstances constitute a question of privilege shall be taken up at not later than 12:00 o'clock noon or when the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first.

Order of consideration

(10) The order in which the notices were received by the Clerk of the Senate shall determine the order of consideration of questions of privilege.

Debates to be *seriatim*

(11) Debates on distinct questions of privilege shall be taken *seriatim*, with the debate on the first being concluded prior to the next being raised. The Speaker shall regulate the debate in accordance with the provisions of rule 18(3).

Prima facie determination by Speaker

(12) The Speaker shall determine whether a *prima facie* case of privilege has been made out. In making a ruling, the Speaker shall state the reasons for that ruling, together with references to any rule or other written authority relevant to the case.

Motion to take action

44. (1) When a *prima facie* case of privilege has been established, the Senator who raised the matter may move a motion calling upon the Senate either to take action on the matter or to

refer the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report.

When motion may be moved

(2) Such a motion can be moved only immediately following the Speaker's decision and it shall be considered in accordance with the provisions of sections (3), (4), (5), (6) and (7), below.

When debate on motion may begin

(3) Except as provided in section (4) below, the debate on any motion moved in accordance with section (1) above shall commence on the same day at not later than 8:00 o'clock p.m. or when the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first.

Debate on Friday

(4) On Friday the debate on any motion moved in accordance with section (1) above shall commence at not later than 12:00 o'clock noon or when the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first.

Time limits on speaking

(5) When a motion is moved in accordance with the provisions of section (1) above during debate on the motion, no Senator shall speak more than once, nor for more than fifteen minutes.

Motion to adjourn and continuation of debate

(6) During a debate on a motion moved in accordance with the provisions of section (1) above,

(a) a motion to adjourn pursuant to rule 49(1) may be received. If the debate on the said motion is adjourned, it shall be placed on the Orders of the Day in accordance with the provisions of rule 26(2)(j);

(b) if the debate on the motion is still before the Senate at its ordinary daily hour of adjournment, the Senate shall not adjourn but shall continue with the debate until the time provided for the same has expired or the debate is concluded,

whereupon the Speaker shall put the question on the said motion and any standing vote requested in relation thereto shall stand deferred until 5:30 o'clock p.m. on the next sitting day.

Speaker to put question after three hours

(7) After not more than three hours of debate, the Speaker shall interrupt, if necessary, and put forthwith and successively every question necessary to dispose of the motion without permitting any further debate or amendment. Any standing vote requested in accordance with rule 65(3) in relation to any such question shall be subject to the provisions of rule 67.

Adjournment upon completion of debate

(8) If the Senate had previously completed consideration of the Orders of the Day for that sitting, after the debate on the motion is concluded and the question has been put, a motion to adjourn the Senate shall be deemed to have been moved and adopted.

Where orders of the day not previously concluded

(9) If the Senate had not previously concluded consideration of the Orders of the Day when the debate began on the motion, moved in accordance with the provisions of section (1) above,

(a) when the time provided for the consideration of the said motion has expired or when the debate on the same has concluded, the Speaker shall forthwith put the question, whereupon the Senate shall resume the consideration of the Orders of the Day where that consideration was interrupted when the motion was moved;

(b) the rules regarding the ordinary daily hour of adjournment shall be suspended thereafter for a period not to exceed the period taken during the consideration of the said motion for the purpose of considering the Orders of the Day;

(c) if consideration of the Orders of the Day is concluded prior to the expiry of the period of time provided in sub-paragraph (b) above, the Speaker shall declare that a motion to adjourn

has been deemed to have been moved and adopted and shall leave the Chair until the time provided for the next meeting of the Senate; and

(d) not later than the expiry of the time provided in sub-paragraph (b) above, the Speaker shall interrupt the proceedings then before the Senate and declare that a motion to adjourn has been deemed to have been moved and adopted and shall leave the Chair until the time provided for the next meeting of the Senate.

Complaint against news media

45. A Senator complaining to the Senate of a statement in a newspaper, magazine, periodical, on radio or television or any form of public news media, as a breach of privilege, shall specify the matter complained of, the source thereof and the nature of the breach of privilege.

Quoting Commons speech

46. The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

Reading the question

47. Except when another Senator is speaking, a Senator may require the question under discussion to be read at any time during the debate.

Motions during debate

48. (1) When a question is under debate, a motion shall not be received unless it is a motion to amend the question, to refer the question to a committee, to adjourn the debate, to postpone the debate to a certain day, for the previous question, or for the adjournment of the Senate.

Previous question

(2) The previous question refers to a motion "that the original question be now put". Such a motion may be made on a main motion, or on a main motion as amended, but not on a motion for an amendment. When such a motion is put by the Speaker no motion to amend it is in order. It is debatable and Senators who have spoken on

the main motion or on the main motion as amended may speak again to the previous question but may not move or second it. If the motion for the previous question carries, the Speaker must immediately put the original question without further debate. If the motion for the previous question is defeated, the main motion is dropped from the Orders of the Day. The previous question may not be moved in Committee of the Whole or in any select committee.

Motion to adjourn

49. (1) A motion to adjourn a debate on an item, other than an item of government business, shall be deemed to be a motion to postpone that debate to the day specified in the motion, or, if no day is specified, to the next sitting day. In either case, the said item shall stand on the *Order Paper* in the name of the Senator who moved the adjournment, or another Senator, if so indicated.

Motion to adjourn government item

(2) A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

Senator called to order

50. A Senator called to order by the Speaker shall discontinue speaking and may not speak further, except on the point of order, until the point of order has been decided.

Objectionable speeches

51. All personal, sharp or taxing speeches are forbidden.

Redress of injured Senator

52. A Senator considering himself or herself offended or injured in the Senate, in a committee room, or in any of the rooms belonging to the Senate, may appeal to the Senate for redress.

Exceptionable words

53. (1) When a Senator is called to order for words spoken in debate, such Senator or any other Senator may demand that the

exceptionable words be taken down in writing by the Clerk at the Table.

Retraction and apologies

(2) A Senator who has used exceptionable words and does not explain or retract the same or offer apologies therefor to the satisfaction of the Senate shall be dealt with as the Senate may think fit.

Senate intervention in disputes

54. The Senate may intervene to prevent the prosecution of any dispute between Senators arising out of a debate or proceeding in the Senate or in any Committee thereof.

Speaker addressing Senate

55. (1) The Speaker shall stand head uncovered when addressing the Senate.

Participation of Speaker in debate

(2) The Speaker may participate in any debate other than a debate on a point of order, or a question of privilege, on which the Speaker is required to render a decision.

Speaker to leave Chair

(3) If the Speaker participates in any debate in accordance with subsection (2) above, the Speaker shall leave the Chair and may call upon any Senator to preside as Speaker until the Speaker resumes the Chair.

PART VI

NOTICES

Notice of inquiry or motion

56. (1) When a Senator wishes to give notice of an inquiry or a substantive motion, the Senator shall reduce the notice to writing, sign it, read it during a sitting of the Senate from the place where the Senator normally sits, and send it forthwith to the Clerk at the Table.

Calling matter to attention of Senate

(2) A Senator who intends to make a statement or raise a discussion on an inquiry shall as part of the notice under this rule give notice that the Senator will call the attention of the Senate to the matter to be inquired into.

Notice for absent Senator

(3) Notice under this rule may be given by one Senator for any other Senator not then present, with the permission of the absent Senator, by inserting the name of such Senator on the notice in addition to the Senator's own name.

Two days' notice of certain motions

57. (1) Two days' notice shall be given of any of the following motions:

(a) to make a new rule or to repeal or amend an existing rule;

(b) for an address to the Governor General not merely formal in its character;

(c) for an order of the Senate for any papers or documents not relating to a bill or other matter appearing among the Orders of the Day or on the *Order Paper*;

(d) for the appointment of a special committee;

(e) for the adoption of the report of a special or special joint committee;

(f) for the second reading of a bill.

Idem

(2) A like notice is required of any inquiry not relating to a bill or other matter appearing among the Orders of the Day or on the *Order Paper*.

One day's notice of certain motions

58. (1) One day's notice shall be given of any of the following motions:

(a) to suspend any rule or any part thereof;

(b) except as otherwise provided in these rules, for the third reading of a bill;

(c) for any substantial amendment to a bill reported by a committee;

- (d) for the appointment of a standing committee;
- (e) for reference of the subject-matter of a bill to a standing or special committee;
- (f) for an instruction to a committee;
- (g) for the adoption of a report from any standing or standing joint committee;
- (h) for an adjournment of the Senate, except the ordinary daily adjournment as provided in rule 6(1) or (2) or under rules 15 and 48(1);
- (i) for the making of a substantive motion; and
- (j) for any purpose to which neither rule 57 nor rule 59 applies.

Correcting irregularities or mistakes

(2) Where a Senator wishes to correct irregularities or mistakes in an order, resolution, or other vote of the Senate, the Senator shall give one day's notice, and a correction shall not be made unless at least two-thirds of the Senators present vote in favour of such correction.

Matters requiring no notice

59. Notice is not required for:

- (1) An amendment, or an amendment to an amendment, to a question;
- (2) Referral of a question to a committee;
- (3) Postponement of consideration of a question to a certain day;
- (4) The previous question;
- (5) Reading of the Orders of the Day;
- (6) Adjournment of the Senate pursuant to the provisions of rule 15;
- (7) Adjournment of a debate in accordance

with the provisions of rule 49;

(8) Consideration forthwith or at a future sitting of Commons amendments to a public bill;

(9) Appointment of a Committee to prepare the Senate's reasons for disagreement with a Commons amendment;

(10) Raising a question of privilege;

(11) Introduction of a bill;

(12) First reading of a bill;

(13) Postponement, discharge, or revival of an Order of the Day;

(14) Consideration of any matter at a future sitting which is on the Table of the Senate;

(15) Reconsideration, while in a Committee of the Whole, of any clause of a bill already agreed to;

(16) To resolve the Senate into a Committee of the Whole;

(17) Immediate presentation of papers proposed by the Leader of the Government in the Senate or another Senator who is a Minister of the Crown, except as otherwise provided in these rules; and

(18) Other motions of a merely formal or uncontentious character.

PART VII

MOTIONS

Notice and criteria for emergency debate

60. (1) A Senator wishing to move, "That the Senate do now adjourn" for the purpose of raising a matter of urgent public importance, shall seek leave by providing a written notice, at

least three hours prior to the time provided for the meeting of the Senate, to the Clerk of the Senate. If the application is to be heard on a Friday the notice must be delivered to the Clerk not later than 6:00 o'clock in the afternoon of the Thursday next preceding that Friday. Such notice shall briefly outline the situation which the Senator claims to be of urgent public importance and shall outline the reasons why it should be so considered. The matter proposed for discussion:

(a) must relate to a genuine emergency, calling for urgent consideration by the Senate;

(b) must not revive a discussion previously taken up in the same Session pursuant to this rule;

(c) cannot raise any question which, according to the *Rules of the Senate*, can only be debated on a distinct motion under notice; and

(d) cannot raise matters which form, in substance, a question of privilege.

Distribution of notice by Clerk

(2) When a notice is received in accordance with section (1) above, the Clerk of the Senate shall arrange for its immediate translation and distribution to each Senator's office in Ottawa, and shall ensure that the same is distributed in the Senate Chamber to all Senators.

Non-receipt of notice

(3) The non-receipt by any Senator of a notice required to be distributed, pursuant to section (2) above, shall not affect the validity of the notice, nor can it be used as a reason not to proceed with the consideration of the application, nor to cause a delay in the proceeding.

Order of debate

(4) When the Senate meets, after a notice or notices has or have been received and distributed pursuant to sections (1) and (2) above, the Speaker shall, instead of calling

"Senators' Statements", recognize the Senator or Senators who gave notice, in the order in which their notices were received.

Reasons for emergency debate

(5) Subject to the provisions of section (7) below, the Senator raising the matter shall give reasons why leave should be granted to put the regular Order of Business aside to consider the matter contained in the notice.

Idem

(6) In seeking leave, the Senator shall speak once, for no more than five minutes, to explain why the matter should be given urgent consideration, and

(a) how it concerns the administrative responsibilities of the government or could come within the scope of departmental action; and

(b) give reasons why the Senate will not likely have another opportunity to consider the matter within a reasonable period of time.

Senate consideration of criteria

(7) The Senate shall consider whether the situation, outlined in the notice and the reasons given pursuant to sections (1) and (5) above, meet the criteria for other business to be put aside. During such a debate:

(a) no Senator shall speak more than once or for longer than five minutes; and

(b) no other motion shall be received.

Urgency decided by Speaker

(8) After not more than fifteen minutes of consideration of the Senator's application, the Speaker shall, if necessary, interrupt the debate and declare whether the situation constitutes a matter of urgent public importance as provided in sections (1) and (6) above.

Senate consideration of notices

(9) The Senate shall consider all notices dealing with the same situation together, subject to the provisions of sections (4) and (8) above. Subject to the provisions of rule 61(6), notices

dealing with distinct situations shall be taken up *seriatim*.

Motion for emergency debate

61. (1) When leave is granted to move a motion to adjourn the Senate for the purpose of considering a matter of public urgency, except as provided in section (2) below, at 8:00 o'clock p.m., or when the Senate has completed the consideration of the Orders of the Day for that sitting, whichever comes first, the Senator who gave notice shall move "That the Senate do now adjourn" and debate on the motion shall be subject to the provisions of rule 37(4).

When leave granted on Friday

(2) If leave is granted on a Friday, consideration of the motion moved pursuant to section (1) shall commence at not later than 12:00 o'clock noon or when the Senate has completed consideration of the Orders of the Day for that sitting, whichever comes first.

Where Orders of the Day completed

(3) If the Senate had completed consideration of the Orders of the Day for that sitting, when the motion was moved, pursuant to section (1) or (2) above:

(a) except as provided in sub-paragraph (b) below, after the debate on the motion is concluded, but in any case, at not later than 11:59 o'clock p.m., the said motion shall be deemed to have been adopted; or

(b) on a Friday after the debate on the motion is concluded, but in any case, at not later than 4:00 o'clock p.m., the said motion shall be deemed to have been adopted.

Where Orders of the Day not completed

(4) If the Senate had not previously concluded consideration of the Orders of the Day for that sitting when the motion was moved, pursuant to section (1) or (2) above:

(a) except as provided in sub-paragraph (b) below, when the debate is concluded, but in any case, at not later than 11:59 o'clock p.m., the Speaker shall interrupt the debate and the

motion shall be deemed to have been withdrawn and the Senate shall resume consideration of the Orders of the Day where that consideration was interrupted when the motion was moved pursuant to section (1) above; or

(b) on a Friday when the debate is concluded, but in any case, at not later than 3:59 o'clock p.m., the Speaker shall interrupt the debate and the motion shall be deemed to have been withdrawn and the Senate shall resume consideration of the Orders of the Day where that consideration was interrupted when the motion was moved pursuant to section (2), above.

Idem

(5) If the Senate had not previously concluded consideration of the Orders of the Day for that sitting when the motion was moved, pursuant to section (1) or (2) above:

(a) when the motion moved pursuant to section (1) or (2) above, has been withdrawn in accordance with section (4) above, the Senate shall resume consideration of the Orders of the Day where that consideration was interrupted when the said motion was moved, for a period not to exceed the period of time taken for consideration of the said motion; and

(b) at the end of the time provided in subparagraph (a) above for the consideration of the Orders of the Day, the Speaker shall interrupt any proceeding then before the Senate and declare that a motion to adjourn has been deemed to have been moved and adopted. The Speaker shall then leave the Chair until the time provided for the next meeting of the Senate.

One motion only at a sitting

(6) Not more than one motion to adjourn, moved in accordance with section (1) or (2) above, shall be received at any one sitting.

No other motion to be received

(7) During the consideration of any motion moved in accordance with the provisions of section (1) or (2) above, the same shall not be

adjourned and no amendment thereto, nor other motion, except that a certain Senator be now heard or do now speak, shall be received.

Limitations on speaking

(8) During the consideration of any motion moved in accordance with the provisions of section (1) or (2) above, no Senator shall speak more than once nor for more than fifteen minutes.

Debatable motions

62. (1) Except as provided elsewhere in these rules, the following motions are debatable:

(a) substantive motions, except dilatory or procedural motions;

(b) for the second reading of a bill;

(c) for any amendment, or an amendment to an amendment, to a debatable motion;

(d) for the adoption of a report of a standing or special committee;

(e) for the third reading of a bill;

(f) for instructions to a committee;

(g) for an address to His Excellency the Governor General not merely formal in its character;

(h) for the appointment of a standing or special committee;

(i) for the reference of a question other than a bill to a standing or special committee;

(j) for the adoption, while in Committee of the Whole, of the motion, clause, section, preamble, title or bill under consideration;

(k) for the reconsideration, while in Committee of the Whole, of any clause of a bill already

agreed to;

(l) for the suspension of any rule of the Senate, unless otherwise provided;

(m) for the consideration of an inquiry;

(n) for the adjournment of the Senate for the purpose of raising a matter of urgent public importance, moved pursuant to rule 61(1) or (2);

(o) for the previous question;

(p) for the adoption of a new rule, the repeal or amendment of an existing rule;

(q) for an Order of the Senate for any papers or documents not relating to a bill or other matter appearing among the Orders of the Day or on the *Order Paper*; and

(r) for the adoption of any other motion appearing on the Orders of the Day or on the *Order Paper* or moved on Routine Business, as may be required for the observance of the proprieties of the Senate, the maintenance of its authority, the appointment or conduct of its officers, the management of its proceedings, the fixing of its sitting days or the times of its meetings or adjournments.

Motions not debatable

(2) All other motions, unless elsewhere provided in these rules or otherwise ordered, shall be decided immediately upon being put to the Senate, without any debate or amendment.

No motions on resolved questions

63. (1) A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

Rescinding of orders

(2) An order, resolution, or other decision of the Senate may be rescinded on five days' notice if

at least two-thirds of the Senators present vote in favour of its rescission.

Objectionable notice

64. A notice containing unbecoming expressions or offending against any rule or order of the Senate shall not be allowed by the Speaker to appear on the *Order Paper*.

PART VIII

VOTING

Voice vote

65. (1) When a question is put to a vote, the Speaker shall ask for the "yeas" and the "nays" and shall thereupon decide whether the question has carried.

Speaker's decision final

(2) In the absence of a request for a standing vote, the decision of the Speaker is final.

Standing Vote

(3) Upon the request of two Senators before the Senate takes up other business, the Speaker shall call for a standing vote, at which time the "yeas" shall first rise in their places, then the "nays", then the abstentions.

Announcement before vote

(4) Before any standing vote in the Senate, the Speaker shall announce the names of any Senators present who have made and not retracted a declaration of private interest on the matter, and their names shall not be called during the vote, except to abstain. The chair of a committee shall do the same before any recorded vote in committee.

Vote lost when voices equal

(5) Questions arising in the Senate shall be decided by a majority of voices. The Speaker shall in all cases have a vote. When the voices are equal the decision shall be deemed to be in the negative.

Sounding of bells for standing vote

66. (1) Unless previously ordered or elsewhere provided in these rules, when a standing vote has been requested in accordance with rule 65(3), the bells to call in the Senators shall be sounded for sixty minutes unless otherwise ordered, and with leave of the Senate.

Taking of vote

(2) At the end of the time provided in section (1), the Speaker shall proceed to take the standing vote as provided in rule 65(3).

Sounding of bells for certain votes

(3) When, under the provisions of any rule or order of the Senate, the Speaker is required to interrupt the proceedings for the purpose of putting forthwith the question on any business then before the Senate or

when a standing vote has been deferred pursuant to rule 67, the Speaker shall interrupt the said proceedings not later than fifteen minutes prior to the time provided for the taking of the vote and order the bells to call in the Senators to be sounded for not more than fifteen minutes immediately thereafter. These provisions shall apply, in particular, to the disposition of non-debatable motions and any motion for which a period of time has been allocated to the disposition of the debate.

Procedures during taking of votes

(4) The doors of the Senate shall not be locked during the taking of standing votes. Senators may enter the Chamber at any time but no Senator shall vote who was not within the Bar of the Senate when the Speaker puts the question. Senators shall vote only from their place in the Senate.

Idem

(5) While the Senate is in the process of taking standing votes, only Senators shall have access to the floor of the Chamber, and the doors to the galleries shall be locked.

Adjournment suspended during vote

(6) When the bells to call in the Senators for a standing vote are being sounded at the ordinary daily hour of adjournment, the rules governing the adjournment of the Senate shall stand suspended until the said vote and any business relating thereto has been concluded, whereupon the Speaker shall declare that a motion to adjourn the Senate has been deemed moved and adopted and shall leave the Chair until the time provided for the next meeting of the Senate.

Deferral of standing vote

67. (1) After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

Normal deferred time

(2) Except as provided in section (3) or as otherwise provided in these rules, when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o'clock p.m. on the next day the Senate sits.

Friday extension of deferral

(3) When a standing vote has been deferred, pursuant to section (1) above, on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

No deferrals in relation to subsequent business

(4) When a deferred vote has been taken and there is subsequent business to be disposed of, any standing vote requested in relation thereto shall not be deferred and the Speaker shall proceed to put forthwith and successively every question necessary to dispose of the business.

One sounding of bells for same items (5) When a deferred vote is requested on one question that is the first of a series of questions to be put to the Senate without further debate, the bells to call in the Senators shall be sounded once; they shall not again be sounded, at that sitting, in relation to any subsequent standing vote on the same item of business.

Standing vote once deferred (6) Except as provided in section (3) above, or elsewhere in these rules, any standing vote once deferred shall not be again deferred.

Requirement for voting 68. (1) A Senator shall not vote on any question unless the Senator is within the Bar of the Senate when the question is put.

No debate after vote called (2) Without leave of the Senate a Senator shall not speak to a question after the order has been given to call in the members to vote thereon.

Withdrawing or amending vote (3) With leave of the Senate, the vote of a Senator may, for special reasons assigned by the Senator, be withdrawn or changed by the Senator immediately after the announcement of the division.

PART IX

PETITIONS AND BILLS

Petition by individual 69. A petition shall be clearly written and signed by the petitioner.

Petition by corporation 70. A petition shall not be received from a corporation unless it is duly authenticated and under the seal of such corporation.

Petition on behalf of public meeting 71. Petitions signed by persons purporting to represent public meetings shall be received only as the petitions of the persons whose names are affixed thereto.

Form of amending bill 72. (1) In any bill originating in the Senate amending any statute or part thereof, the amendments shall be made by clauses that re-enact the section, subsection or other minor division as it is amended and shall not ordinarily be made by clauses that add or leave out words or substitute words for others.

Typographical indications (2) The text of any such bill shall indicate a comparative print of that part of the bill making the amendment and of the statute or part thereof proposed to be amended, showing by italics, parallel columns or other appropriate typographical devices the omissions and insertions that would be made by the bill if enacted as proposed.

Explanatory notes (3) An explanatory note outlining briefly the reasons for each

amendment shall accompany the bill. Whenever practicable the explanatory note shall be printed on the right-hand page of the bill in paragraphs opposite the amendments referred to and numbered correspondingly.

Reprints (4) This rule shall as far as practicable apply to the reprinting of any such bill.

Right to present bills 73. (1) A Senator may as of right present a bill to the Senate.

First reading (2) Immediately after its introduction a bill shall be read a first time and printed.

Referral to committee of subject-matter of bill 74. (1) The subject-matter of any bill which has been introduced in the House of Commons, but not read the first time in the Senate, may be referred to a standing committee for study. This may be accomplished either by motion moved in accordance with section (2) below, or by motion to refer the question to a named standing committee of the Senate, moved in accordance with the provisions of rule 62(1)(i).

Government notice of referral (2) At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, may, from his or her place in the Senate, in accordance with the provisions of rule 58(1)(e), give notice of a motion to refer the subject-matter of the said bill to a standing committee or special committee of the Senate.

Idem (3) Notices of motion made pursuant to section (2) above, shall appear under "Government Business" on the Orders of the Day for the next sitting.

Second Reading 75. The principle of a bill is usually debated on second reading.

Third reading 76. When a bill has been read a third time it shall be deemed to have been passed by the Senate and there shall be no further debate or amendment.

Reconsideration of clauses 77. At any time before a bill is passed a Senator may move for the reconsideration of any clause thereof already carried.

Senate disagreement with Commons amendments 78. (1) When the Senate disagrees with amendments made in the House of Commons to a bill originating in the Senate, and the Senate decides to return the bill to the House of Commons indicating its disagreement with any of the amendments made by the House of Commons, the message accompanying such bill shall state the reasons for such disagreement by the Senate, and such reasons shall be drawn up by a

committee of three Senators appointed for such purpose by the Senate.

Commons disagreement
with Senate amendments

(2) When the House of Commons disagrees with amendments made by the Senate to a bill originating in the House of Commons and has returned to the Senate such bill indicating the amendments disagreed with, if the Senate decides to insist on its amendments or any of them and to return the bill to the House of Commons, the message accompanying such bill shall state the reasons for the insistence by the Senate on its own amendments, and such reasons shall be drawn up by a committee of three Senators appointed for such purpose by the Senate.

Conference

(3) When the House of Commons disagrees with any amendments made by the Senate or insists upon any amendments to which the Senate has disagreed as aforesaid, the Senate shall receive the reasons of the House of Commons by message, without a conference, unless at any time the House of Commons wishes to communicate the same at a conference.

Free conference

(4) Any conference between the Houses may be a free conference.

Speaking at conference

79. A Senator shall not speak at a conference with the House of Commons unless the Senator is one of the committee.

No duplication of bill in
same session

80. When a bill originating in the Senate has been passed or negatived a new bill for the same object shall not afterwards be originated in the Senate during the same session.

Supply bills

81. The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

No tacking clauses

82. A bill of aid or supply shall not have annexed thereto any clause the matter of which is foreign to and different from the matter of the bill.

PART X

COMMITTEES

Committee of the Whole

83. When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Procedure in Committee of the Whole

84. (1) The *Rules of the Senate* shall apply in

Committee of the Whole with the following exceptions:

- (a) a Senator may speak any number of times;
- (b) during debate in Committee of the Whole no Senator shall speak for more than ten minutes at any one time;
- (c) any standing vote shall be taken immediately without the bells to call in the Senators being sounded;
- (d) arguments against the principle of the bill shall not be admitted; and
- (e) no motion for the previous question or for an adjournment shall be received.

Motion to leave chair or report progress

(2) In Committee of the Whole a Senator may at any time move "That the Chairman do now leave the Chair" or "That the Chairman do now report progress and ask leave to sit again":

- (a) either motion shall be decided forthwith without debate or amendment;
- (b) if either motion is resolved in the negative another motion to the same effect shall not be received unless some intermediate proceeding has taken place; and
- (c) if the motion "That the Chairman do now leave the Chair" is resolved in the affirmative, the Chairman shall at once leave the Chair and shall make no report to the Senate. The bill or other matter then before the Committee of the Whole shall be dropped from the *Order Paper*.

Proceedings recorded

(3) The proceedings of a Committee of the Whole shall be entered in the *Journals of the Senate*.

Committee of Selection

85. (1) At the commencement of each session, a Committee of Selection consisting of nine Senators shall be appointed whose duties shall be to nominate:

(a) a Senator to preside as Speaker *pro tempore*; and

(b) the Senators to serve on the several select committees, except the Committee on Conflict of Interest for Senators.

Separate report

(2) The Committee of Selection shall, within the first five sitting days of each session, present a separate report to the Senate in respect of its nomination of a Senator to preside as Speaker *pro tempore* pursuant to paragraph (1)(a) above.

Report by the Leader of the Government

(2.1) The Leader of the Government shall present a motion, seconded by the Leader of the Opposition, to the Senate on the membership of the Committee on Conflict of Interest for Senators at the beginning of each session and this motion will be deemed adopted without debate or vote when moved and a similar motion will be moved for any substitution in the membership of the Committee.

Term of appointment

(3) Subject to subsection (4) below, the Senators nominated under this rule shall, when their appointments are confirmed by the Senate, serve for the duration of the session for which they are appointed.

Change in Membership

(4) Except as provided in subsection (2.1) above and subject to subsection (5) below, a change in the membership of a committee may be made by a notice filed with the Clerk of the Senate who shall cause such change to be recorded in the *Journals of the Senate*.

Notice to be signed

(5) The notice referred to in subsection (4) above shall be signed:

(a) with respect to Government members, by the Leader of the Government in the Senate or any Senator named by that Leader;

(b) with respect to Opposition members, by the Leader of the Opposition in the Senate or any Senator named by that Leader; and

(c) with respect to members of a recognized third party in the Senate, by the leader of that party or any Senator named by that leader.

Standing Committees

86. (1) The standing committees shall be as follows:

Library

(a) The Joint Committee on the Library of Parliament to which shall be appointed seventeen Senators.

Printing

(b) The Joint Committee on the Printing of Parliament to which shall be appointed twenty-one Senators.

Restaurant

(c) The Joint Committee on the Restaurant of Parliament to which shall be appointed the Speaker and six other Senators.

Scrutiny of Regulations

(d) The Joint Committee for the Scrutiny of Regulations to which shall be appointed eight Senators.

Official Languages

(e) The Standing Committee Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.

Rules, Procedures and the Rights of Parliament

(f) The Committee on Rules, Procedures and the Rights of Parliament, composed of fifteen members, four of whom shall constitute a quorum, which is empowered:

(i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate;

(ii) upon a reference from the Senate, to examine and, if required, report on any question of privilege; and

(iii) to consider the orders and customs of the Senate and privileges of Parliament.

Internal Economy, Budgets and Administration

(g) The Committee on Internal Economy, Budgets and Administration, composed of fifteen members,

four of whom shall constitute a quorum, which is authorized

(i) to consider on its own initiative all financial and administrative matters concerning the internal administration of the Senate;

(ii) to act, subject to the *Senate Administrative Rules*, on all financial and administrative matters concerning the internal administration of the Senate; and

(iii) to interpret and determine, subject to the *Senate Administrative Rules*, the propriety of any use of Senate resources.

Foreign Affairs and International Trade

(h) The Senate Committee on Foreign Affairs and International Trade, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

(i) treaties and international agreements;

(ii) external trade;

(iii) foreign aid;

(iv) territorial and offshore matters.

National Finance

(i) The Senate Committee on National Finance, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to federal estimates generally, including:

(i) national accounts and the report of the Auditor General; and

(ii) government finance.

Transport and Communications

(j) The Senate Committee on Transport and Communications, composed of twelve members, four

of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to transport and communications generally, including:

(i) transport and communications by land, air, water, and space, whether by radio, telephone, telegraph, wire, cable, microwave, wireless, television, satellite, broadcasting, postal communications or any other form, method or means of communications or transport;

(ii) tourist traffic;

(iii) common carriers; and

(iv) navigation, shipping and navigable waters.

Legal and Constitutional Affairs

(k) The Senate Committee on Legal and Constitutional Affairs, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to legal and constitutional matters generally, including:

(i) federal-provincial relations;

(ii) administration of justice, law reform and all matters related thereto;

(iii) the judiciary;

(iv) all essentially juridical matters; and

(v) private bills not otherwise specifically assigned to another committee, including those related to marriage and divorce.

Banking, Trade and Commerce

(l) The Senate Committee on Banking, Trade and Commerce, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other

matters relating to banking, trade and commerce generally, including:

(i) banking, insurance, trust and loan companies, credit societies, *caisses populaires* and small loans companies;

(ii) customs and excise;

(iii) taxation legislation;

(iv) patents and royalties;

(v) corporate affairs; and

(vi) bankruptcy.

Social Affairs, Science and Technology

(m) The Senate Committee on Social Affairs, Science and Technology, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is an order of the Senate to that effect, bills, messages, petitions, inquiries, papers and other matters relating to social affairs, science, and technology generally, including:

(i) Indian and Inuit affairs;

(ii) cultural affairs and the arts;

(iii) social and labour matters;

(iv) health and welfare;

(v) pensions;

(vi) housing;

(vii) fitness and amateur sports;

(viii) employment and immigration;

(ix) consumer affairs; and

(x) youth affairs.

Agriculture and Forestry

(n) The Senate Committee on Agriculture and Forestry, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to agriculture and forestry generally, and the Canadian Wheat Board.

Fisheries and Oceans

(o) The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries and oceans generally.

Energy, the Environment and Natural Resources

(p) The Senate Committee on Energy, the Environment and Natural Resources, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to energy, the environment and natural resources generally, including:

(i) mines and natural resources, other than fisheries and forestry;

(ii) pipelines, transmission lines and energy transportation;

(iii) environmental affairs; and

(iv) other energy-related matters.

Aboriginal Peoples

(q) The Senate Committee on Aboriginal Peoples, composed of twelve members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to the Aboriginal Peoples of Canada.

National Security and Defence

(r) The Senate Committee on National Security and Defence, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions,

inquiries, papers and other matters relating to national defence and security generally, including veterans affairs.

Human Rights

(s) The Senate Committee on Human Rights, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to human rights generally.

Conflict of Interest for Senators

(t) The Committee on Conflict of Interest for Senators, composed of 5 members, 3 of whom shall constitute a quorum, which is authorized on its own initiative:

(i) to exercise general direction over the Senate Ethics Officer; and

(ii) to be responsible for all matters relating to the *Conflict of Interest Code for Senators*, including all forms involving Senators that are used in its administration, subject to the general jurisdiction of the Senate.

Residual matters

(2) Any bill, message, petition, inquiry, paper or other matter may be referred, as the Senate may decide, to any committee.

Legislative committees

(3) A legislative committee shall be composed of not more than twelve members.

Members *ex officio*

87. The Leader of the Government in the Senate, or, in the absence of that Leader, the Deputy Leader of the Government, and the Leader of the Opposition in the Senate, or, in the absence of that Leader, the Deputy Leader of the Opposition, are members *ex officio* in addition to the number of appointed members, of the Committee of Selection and all select committees of the Senate, except the Committee on Conflict of Interest for Senators.

Organization meeting

88. The Clerk of the Senate shall, as soon as practicable after a committee has been appointed, call an organization meeting of the committee, and the

committee shall at that meeting choose a chairman.

Meeting without quorum

89. A quorum is required whenever a vote, resolution or other decision is taken by a select committee, but any such committee, by resolution thereof, may authorize the chairman to hold meetings to receive and authorize the printing of evidence when a quorum is not present.

Powers of committees

90. A standing committee shall be empowered to inquire into and report upon such matters as are referred to it from time to time by the Senate, and shall be authorized to send for persons, papers and records, whenever required, and to print from day to day such papers and evidence as may be ordered by it.

Participation by non-members

91.(1) Except as provided in section (2) below and in rule 32.1(2), a Senator though not a member of a committee may attend and participate in its deliberations but shall not vote.

91.(2) When the Committee on Conflict of Interest for Senators is meeting *in camera*, only Senators who are members of the Committee or, by decision of the Committee a Senator who is the subject of its inquiry or investigation, can attend and participate in its deliberations.

All committee meetings to be public

92. (1) Except as provided in sections (2) and (3) below, all meetings of Senate standing and special committees shall be held in public and only after public notice.

Exceptions

(2) Except as provided in section (3) below, a standing or special committee may decide to hold an *in camera* meeting to discuss its business only when the agenda deals with any of the following:

(a) wages, salaries and other employee benefits;

(b) contract negotiations;

(c) other labour relations;

(d) other personnel matters;

(e) consideration of any draft agenda; and\or

(f) consideration of any draft report of the committee.

In camera meetings

(2.1) Meetings of the Committee on Conflict of Interest for Senators shall be *in camera* unless the Committee accepts the request of the Senator who is the subject of an inquiry or investigation that the meetings be public.

Subcommittees

(3) Meetings of subcommittees of any standing or special committee:

(a) except as provided in sub-paragraph (b) below, shall not be subject to the provisions of section (1) or (2) above, and may be held *in camera* at the discretion of the subcommittee members;

(b) when clause-by-clause consideration of any bill is before the said subcommittee, shall be in public.

Joint committees

(4) The provisions of section (2) shall not apply to the deliberations of any standing joint committee or special joint committee.

Attendance by public

(5) Whenever a committee is not sitting *in camera*, the public may attend such a meeting, unless otherwise ordered by the committee in accordance with sections (1), (2) and (3) above.

Special committees

93. The Senate may appoint such special committees as it deems advisable and may set the terms of reference and indicate the powers to be exercised and the duties to be undertaken by any such committee.

Sponsoring Senator

94. Subject to rule 32.1(2), a Senator on whose motion any bill, petition or other matter is referred to a special committee may, if the Senator so desires, be a member of the committee.

Committee adjournment

95. (1) A select committee may adjourn from time to time and, by order of the Senate, from place to place.

Sittings during Senate adjournment

(2) Except as provided in subsection (3.1) below,

when the Senate adjourns for a week or less, a select committee may sit on those days over which the Senate is adjourned if notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

Idem

(3) Except as provided in subsection (3.1) below, a select committee may meet during an adjournment of the Senate which exceeds a week by:

(a) an order of the Senate; or

(b) the signed consent of the Government and Opposition Leaders, or any Senators named by such Leaders to a written request made by the Chair and the Deputy Chair.

Idem

(3.1) The Committee on Conflict of Interest for Senators may sit during any adjournment of the Senate.

When Senate sits

(4) A select committee shall not sit during a sitting of the Senate.

Vote lost when voices equal

96. (1) A question before a select committee shall be decided by majority vote including the vote of the chairman. When the votes are equal, the decision shall be deemed to be in the negative.

Majority conclusions

(2) A report of any select committee shall contain the conclusions agreed to by the majority.

Seconder not required

(3) A motion made in any select committee shall not require a seconder.

Subcommittees

(4) A select committee may appoint from among its members such subcommittees as it may deem desirable which shall report back to the committee. The rules applicable in the committee shall apply *mutatis mutandis* in the subcommittee.

Composition

(5) Subcommittees shall be composed of not more than half the number of members of a select committee, three of whom shall constitute a quorum.

Addressing the Chair	(6) A Senator desiring to speak shall address the Chair.
Special procedures not permitted	(7) Except as provided in these rules, a select committee shall not, without the approval of the Senate, adopt any special procedure or practice that is inconsistent with the practices and usages of the Senate itself.
Clause-by-clause consideration	(7.1) Except with leave of its members present, a committee cannot dispense with clause-by-clause consideration of a bill.
Smoking prohibited	(8) Smoking is prohibited at meetings of the Senate and of its committees.
Presentation of report	97. (1) A report from a select committee shall be presented by the chairman of the committee or by a Senator designated by the chairman.
Report on Conflict of Interest	(1.1) A report of the Committee on Conflict of Interest for Senators may be deposited with the Clerk of the Senate when the Senate stands adjourned and the report will be deemed to have been presented to the Senate at the next sitting.
No debate	(2) A report presented to the Senate shall be received without debate.
Information only	(3) A report which by its own terms is for the information only of the Senate shall be laid on the Table but may on motion be placed on the <i>Orders of the Day</i> for future consideration.
Reporting bill without amendment	(4) When a committee reports a bill without amendment, such report shall stand adopted without any motion, and the Senator in charge of the bill shall move that it be read a third time on a future day.
Reporting bill with amendments	(5) When the report recommends amendments to a bill, or makes proposals that require implementation by the Senate, consideration of the report shall not be moved unless notice has been given pursuant to rule 57(1)(e) or rule 58(1)(g), as the case may be.
Motion deemed made	(6) A motion to adopt a report presented on the

conduct of an individual Senator under the Conflict of Interest Code for Senators shall, if the motion has not already been moved, be deemed to have been made on the fifth sitting day following its presentation.

Right to speak

(7) No vote on the adoption of a report presented pursuant to subsection (6) shall be held for at least five sitting days or until the Senator who is the subject of the report has spoken, whichever is sooner.

Taking of vote

(8) If the adoption of the report presented pursuant to subsection (6) has not been put to a vote on the fifteenth sitting day after it was moved, the Speaker shall put all necessary questions to dispose of the report when it is called.

Deferred vote

(9) If the questions to dispose of a report pursuant to subsection (8) are put prior to 5:30 o'clock p.m., any standing vote requested in relation thereto shall not be subject to the provisions of rule 67 and shall be deferred until 5:30 o'clock p.m. of the same afternoon.

Idem

(10) If the questions to dispose of a report pursuant to subsection (8) are put after 5:30 o'clock p.m., any standing vote requested in relation thereto shall be deferred until 5:30 o'clock p.m. in the afternoon of the next day thereafter on which the Senate sits.

Obligation to report bill

98. The committee to which a bill has been referred shall report the bill to the Senate. When any amendment to the bill has been recommended by the committee, such amendment shall be stated in the report.

Obligation to explain amendments

99. On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

Reporting against bill

100. When a committee to which a bill has been referred considers that the bill should not be proceeded with further in the Senate, it shall so report to the Senate, stating its reasons. If the motion for the adoption of the report is carried, the bill shall not reappear on the *Order Paper*.

Signing of amended bill	101. The chairman of the committee shall sign or initial a printed copy of the bill on which the amendments are clearly written, and shall also sign or initial the several amendments made and clauses added in committee, which shall be attached to the report. Another copy of the bill, with the amendments written thereon, shall be prepared by the clerk of the committee and filed.
Payment of witnesses' expenses	102. The Clerk of the Senate is authorized to pay every witness invited or summoned to attend before a select committee a reasonable sum for living and travelling expenses of the witness, upon the certificate of the clerk of the committee attesting to the fact that the witness attended before the committee by invitation or summons.
Financial operation	103. The financial operation of Senate committees shall be governed by the <i>Senate Administrative Rules</i> .
Final reporting of expenses	104. (1) A committee of the Senate shall, within thirty days of the final accounting of any special expenses incurred in connection with its work, report the same to the Senate in reasonable detail.
Idem	(2) If the Senate is not sitting at the end of any such thirty-day period, the said report shall be made within fifteen days of the resumption of its sittings and if the sittings have been interrupted within such period by a prorogation or dissolution of Parliament, the said report shall be made within fifteen days of the commencement of the next ensuing session.
Interim report	(3) In addition to the final report referred to in subsections (1) and (2) above, within fifteen days of the commencement of each session, a committee of the Senate shall make an interim report of any special expenses incurred by it during the preceding session which have been accounted for, together with an estimate of any such expenses not yet accounted for.
Tabling of report	(4) Any such final or interim report shall be laid on the Table by or on behalf of the chairman of the committee concerned, but if a special committee is not reconstituted following a prorogation or dissolution of Parliament, the said report or interim

report shall be laid on the Table by or on behalf of the Senator who was most recently chairman of that committee.

Printing of report

(5) Each such final or interim report shall be printed in the *Journals of the Senate* for the day on which it is laid on the Table.

RULES OF THE SENATE OF CANADA

March 2010

PART XI

PRIVATE BILLS

Publication of
rules in
*Canada
Gazette*

105. The Clerk of the Senate shall during each recess of Parliament publish weekly in the *Canada Gazette* the following rules respecting notices of intended applications for private bills, and the substance thereof in the official gazette of each province.

Notice in
*Canada
Gazette*

106. (1) Every application to Parliament for a private bill shall be advertised by notice published in the *Canada Gazette*. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of the party signing the same; and when the application is for an act of incorporation the name of the proposed company shall be stated in the notice.

Notice in
newspapers

(2) In addition to the notice in the *Canada Gazette* aforesaid, a similar notice shall be given in a leading news publication with substantial circulation in the area concerned and in the official gazette of the province concerned:

(a) where the application is for an act

(i) to incorporate a company or to amend an act respecting a company whose objects relate to transportation and communications generally; including airlines, pipelines, telecommunications, railways, or canals, or whose objects relate to the construction of any works;

(ii) to obtain any exclusive rights or privileges; or

(iii) to extend the powers of a company or to increase or reduce the capital stock,

or to alter bonding or other borrowing powers, or to make any amendments which would in any way affect the rights or interests of the shareholders or bondholders or creditors of the company; and

(b) if the works or the objects of any such company are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice by registered mail to the departments of government concerned, whether federal, provincial or municipal, not less than two weeks before the consideration of the petition in accordance with rule 107.

Frequency of publication

(3) The notices required by this rule to be published in the *Canada Gazette*, the official gazette of the province concerned, and in a leading news publication, shall be published at least once a week for a period of four weeks and shall be in the English and French languages when reasonably required in accordance with the population composition of the area or province concerned.

Statutory declaration

(4) The applicants shall prove compliance with this rule by statutory declaration filed with the Clerk of the Senate.

Examiner of petitions

107. (1) The Director of Committees shall be the Examiner of Petitions for Private Bills.

Report on petitions

(2) Petitions for private bills when received by the Senate shall be considered by the Examiner. When a petition is without defect, the Examiner shall so report to the Senate. When a petition is defective, the Examiner shall so report to the Committee on Rules, Procedures and the Rights of Parliament stating that in the Examiner's opinion the petition is defective and specifying the nature of such defects, which shall be taken into consideration, without special reference, by the Committee on Rules, Procedures and the Rights of Parliament. The said committee shall study the report of the Examiner and report thereon to the Senate, and shall recommend to the Senate, the course to be taken in consequence of any defect.

Suspension of rules

108. A motion for the suspension of the rules upon any petition for a private bill shall not be in order, unless such suspension has been recommended by the Committee on Rules, Procedures and the Rights of Parliament.

Introduced on petition

109. A private bill shall be introduced on petition and presented to the Senate after the petition has been favourably reported on in accordance with rule 107.

Deposit of bill and fees

110. Any person seeking to obtain a private bill shall deposit with the Clerk of the Senate, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for its translation and printing. The applicants shall also pay the Clerk of the Senate before introduction of the Bill in the Senate a sum of \$200.00 together with the cost of printing the Act in the Statutes.

Reference <i>re</i> provincial jurisdiction	111. If demanded by two Senators, a private bill when read a first time shall be referred to the Standing Senate Committee on Legal and Constitutional Affairs to ascertain and report whether the said bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.
Reference to Supreme Court	112. At any time before the passing of a private bill, the same may, if so ordered by the Senate, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such bill expressed in the order of reference.
Referral to committee	113. After its second reading, a private bill shall be referred to a committee, and any representations before the Senate for or against such bill stand referred to such committee.
Private bill from Commons	114. After its first reading and before its consideration by any other committee, a private bill from the House of Commons, for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Rules, Procedures and the Rights of Parliament in like manner as a petition.
Delay before consideration by committee	115. A private bill originating in the Senate, of which notice is required to be given, shall not be considered by a committee until after one week from the date of referral to such committee and, in the case of any such bill originating in the House of Commons, until twenty-four hours thereafter.
Private Bill Register	116. A Private Bill Register shall be kept in which shall be entered the names, descriptions and places of residence of the parties or their agents applying for a bill, and all the proceedings thereon from the receipt of the petition to the passing of the Bill. Such entry shall specify briefly each proceeding in the Senate, or in any committee to which the bill or petition may be referred, and the day on which the committee is appointed to sit. Such register shall be open to public inspection daily during office hours.
Daily lists of private bills	117. The Clerk of the Senate shall cause lists of all private bills to be prepared daily by the clerks of the committees to which the same are referred, and the time and place of each committee meeting shall be specified in such lists which shall be posted in the lobby of the Senate.
Interested parties as witnesses	118. Any person whose interests may be affected by a private bill: (a) may appear before the committee to which such bill has been referred or may make comments to the committee in writing; and (b) if required to do so by the committee, shall appear before the committee.
Committee of the whole	119. Unless the Senate otherwise orders, a private bill reported from a select committee shall not be referred to a Committee of the Whole.

Substantial amendments 120. A substantial amendment may not be proposed to any private bill in a Committee of the Whole or on the motion for third reading of the bill unless notice of the same shall have been given on a previous day.

Commons Amendments 121. When a private bill is returned from the House of Commons with substantial amendments, such amendments, before being considered by the Senate, shall be referred to a Committee of the Whole or to the select committee to which such bill was originally referred.

Public bill rules apply 122. Except as herein otherwise provided, the rules relating to public bills apply to private bills.

PART XII

GENERAL

Transmission of messages 123. (1) The Clerk of the Senate shall arrange for the transmission of messages from the Senate to the House of Commons and for the reception by the Senate of messages from the House of Commons.

(2) Messages received from the House of Commons shall be read by the Speaker at the next opportunity.

Attendance before Commons 124. (1) When the House of Commons requests that a Senator or any of the officers, clerks, or servants of the Senate attend before the House of Commons to be examined or appear before any committee thereof, such request shall be by message from the House of Commons requesting that the Senate grant leave to such Senator, officer, clerk or servant to attend.

Idem (2) If the Senate grants leave, an officer, clerk or servant of the Senate shall attend before the House of Commons or a committee thereof, and a Senator may attend if the Senator thinks fit.

Penalty (3) Without such leave, a Senator, officer, clerk or servant of the Senate shall not, on any account, under penalty of being committed to the Usher of the Black Rod or to prison during the pleasure of the Senate, go down to the House of Commons, or send an answer in writing or appear by counsel to answer any accusation there.

Voluntary attendance (4) In the absence of a message referred to in subsection (1), a Senator who so desires may voluntarily appear before any committee of the House of Commons.

Searching of Journals 125. The *Journals of the Senate* may be searched by the House of Commons, as the *Journals* of that House may be searched by the Senate.

Former members	126. Seats shall be reserved without the Bar of the Senate Chamber for former members of the Senate and members of the House of Commons who may desire to hear the debates.
Copies of Journals to Governor General	127. A copy of the <i>Journals of the Senate</i> , certified by the Clerk of the Senate, shall be transmitted daily to the Governor General.
Binding of Journals	128. The <i>Journals of the Senate</i> shall be bound in annual volumes with full indexes as soon as may be after each session.
Printing	129. The printing or publishing of anything relating to the proceedings of the Senate shall be as ordered by the Senate.
Permission to broadcast proceedings	130. (1) Subject to subsection (2) below, public proceedings in the Senate or in any committee thereof may be recorded or broadcast but only through the use of such audio feed facilities as may be installed for that purpose in the Senate or in any room used by a committee of the Senate, subject to such arrangements with the Clerk of the Senate or designate as may be necessary.
Alternative arrangements	(2) Where a committee meets in a room that is not equipped with an audio feed facility, the chairman of the committee shall make such alternative arrangements, where practicable, as may be necessary to record or broadcast the public proceedings of that committee, if such recording or broadcasting is requested.
Tabling of accounts and papers	131. (1) Accounts and papers may be ordered to be laid on the Table, and the Clerk of the Senate shall communicate to the Leader of the Government in the Senate all orders for papers made by the Senate and such papers when returned shall be laid on the Table.
Request for Government response	(2) The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if either the report or the motion adopting the report contains such a request, or if a motion to that effect is adopted subsequent to the adoption of a report.
Response	(3) Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall immediately communicate the request, and send a copy of the report, to the Government Leader and to each Minister of the Crown expressly identified in the report or in the motion as a Minister responsible for responding to the report, and the Government Leader shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government's response or give an explanation for not doing so in the Senate.
Deemed referred to committee	(4) Where the Senate adopts a report or a motion pursuant to subsection (2), the report of the select committee and the response of the Government or the

explanation of the Government Leader for the absence of a response, or the absence of such response or explanation, are deemed to be referred to the select committee one hundred and fifty calendar days after the adoption of the report.

- Royal prerogative 132. When the royal prerogative is concerned in any account or paper, an address shall be presented to the Governor General praying that the same may be laid before the Senate.
- Failure to attend sessions 133. If for two consecutive sessions of Parliament a Senator has failed to give attendance in the Senate, the Clerk of the Senate shall report the same to the Senate, and the matter of such vacancy shall be heard and determined by the Senate with all convenient speed.
- Access to Senate Chamber by certain personages 134. (1) The Sovereign, the Governor General and the Deputy or Deputies shall have undoubted and unimpeded access to the Senate Chamber at all times and, in particular, while the Senate is meeting.
- Fixing time for procedures (2) When the Speaker receives a message indicating that any of the Personages, outlined in section (1) above, will be arriving at the Senate at a given hour to give Royal Assent to a certain bill or bills, to prorogue or dissolve Parliament, or for any other reason, that hour shall be fixed for the beginning of the procedure.
- Interruption of proceedings read message (3) When the Speaker receives a message, in accordance with the provisions of section (2) above, the Speaker shall interrupt any proceeding then before the Senate and read the said message. If a message is received during the taking of a standing vote the Speaker shall read the message immediately after having declared whether the motion before the Senate is carried or lost. The time taken for reading the said message shall not be deducted from the time any Senator, who was speaking at the time the Speaker interrupted, is permitted to speak, nor shall it be deducted from the overall time remaining in a debate to which there is a time limit either established by these rules or by motion or other order of the Senate.
- Suspension of sitting (4) If the Senate has completed its business for the day prior to the hour fixed in the message received pursuant to section (2) above, the Speaker shall suspend the sitting until not later than five minutes before the time set for the arrival of the Personage outlined in the message. When the sitting resumes, the Speaker shall order the bells to call in the Senators to be sounded for not more than five minutes.
- Suspension of certain rules (5) When a message has been received pursuant to section (2) above, no motion to adjourn the Senate shall be received and the rules regarding the ordinary daily hour of adjournment, or the provisions of any prior order of the Senate regarding the hour of adjournment that day shall be suspended until the procedure laid out

in the message has been completed.

Deferral of standing vote	(6) When a message has fixed a time, pursuant to section (2) above, and a standing vote is requested for a time which would otherwise be taken at the same time as the arrival of the Personage outlined in the message received in accordance with section (2) above, such standing vote shall stand deferred, if applicable, until immediately after the departure of the Personage in question.
Deferred votes further deferred	(7) Any deferred standing vote which would have been taken at or after the time fixed in the message received, pursuant to section (2) above, shall be further deferred, if applicable, until immediately after the departure of the Personage outlined in the message.
Interruption of debate to admit personage	(8) When the Senate is sitting at the time fixed in the message, received pursuant to section (2) above, the Speaker shall interrupt any proceeding then before the Senate for the purpose of admitting the Personage outlined in the message. Such proceeding shall not be again taken up pursuant to section (9) below, until the proceeding outlined in the message has been completed and the Personage has departed the Senate Chamber thereafter.
Resumption of debate	(9) Unless otherwise provided in these rules, and if Parliament is still in session, immediately upon the departure of the Personage outlined in the message received in accordance with the provisions of section (2) above, the Speaker shall recognize the Senator whose intervention had been interrupted pursuant to section (8) above. The time taken for reading the said message shall not be deducted from the time allotted to any Senator, who was speaking at the time the Speaker interrupted, nor shall it be deducted from the overall time remaining in a debate to which there is a time limit either established by these rules or by motion or other Order of the Senate.
Renewal of property declaration	135. Within the first twenty sitting days of the first session of each Parliament, every Senator shall make and file with the Clerk of the Senate a renewed Declaration of Property Qualification, in the form prescribed in the Fifth Schedule annexed to the <i>Constitution Act, 1867</i> , and immediately after the expiration of such period the Clerk of the Senate shall lay upon the Table of the Senate a list of the Senators who have complied with this rule.
Duty to attend	136. (1) Every Senator shall comply with the command of the Sovereign to attend to the Senate when it is in session for the purposes of advising and assisting in the affairs of Canada, laying aside all difficulties and excuses to do so.
Power to dispense	(2) Notwithstanding subsection (1), the Senate may order a leave of absence for or the suspension of a Senator where, in its judgment, there is sufficient cause.
Rescission	(3) Notwithstanding rule 63(2), the Senate may rescind in the same session, by a

majority of voices, a leave of absence or suspension ordered by the Senate, under these rules or otherwise.

Absence obligatory	(4) A Senator on leave of absence shall not attend the sittings of the Senate or its committees until the period for which leave was granted has expired or the leave has sooner ended.
No disqualification	(5) A Senator on leave of absence, or suspended under rule 141, for more than a full session may nonetheless make an appearance in the Senate once every session to avoid disqualification, but only on the sixth day the Senate sits after the Clerk lays upon the Table a notice of the Senator's intention to be present, signed by the Senator.
Preventive Measure	(6) A leave of absence is granted under this rule solely to protect the dignity and reputation of the Senate and the public trust and confidence in Parliament, and no other motive may be inferred from its application.
Authorized absences	137. (1) A Senator may be absent from sittings of the Senate by reason of public or official business or of being ill, and also for twenty-one personal leave days per session, subject to any terms and conditions set out in law or provided by the Senate.
Deductions for non-attendance	(2) The deduction to be made from the sessional allowance of a Senator under subsection 57(1) of the <i>Parliament of Canada Act</i> is increased to \$250 per day for every sitting day beyond twenty-one on which the Senator does not attend a sitting of the Senate.
Deduction for suspension	138. (1) If the Senate suspends a member, there shall be deducted from the member's sessional allowance for the period of suspension the amount otherwise payable after deductions required by any Act of Parliament.
Deductions restored	(2) If the conviction of a member who was suspended because of a conviction of a criminal offence in proceedings by indictment is overturned on appeal, there shall be paid to the member the total of all amounts deducted under subsection (1) as a result of the suspension.
No mitigation or interest	(3) The amount payable under subsection (2) is payable without interest and without regard to any duty of the member to mitigate.
Senate resources suspended	139. (1) If the Senate suspends a member, that Senator's right to the use of Senate resources otherwise made available for the carrying out of the Senator's parliamentary functions, including funds, goods, services and premises, is also suspended for the period of the suspension.
Application	(2) For greater certainty, subsection (1) applies to moving, transportation, travel and telecommunications expenses.

Exceptions	(3) On the application of the suspended member, the Standing Committee on Internal Economy, Budgets and Administration may make exceptions to subsection (1).
Notice of charge	140. (1) A Senator charged with a criminal offence for which the Senator may be prosecuted by indictment shall notify the Senate at the first possible opportunity, in a writing signed by the Senator, delivered to the Clerk of the Senate and laid by the Clerk upon the Table.
Leave of absence for accused Senator	(2) A Senator who gives notice under subsection (1) is granted leave of absence from attendance to the Senate as of the time that the notice is laid upon the Table.
Term	(3) A leave of absence under this rule continues until the earliest of the time that the charge is withdrawn, proceedings are stayed, the charge is proceeded with in summary conviction proceedings or the Senator is acquitted, convicted or discharged, but the leave of absence recommences if proceedings that were stayed are recommenced.
Public business	(4) A Senator on leave of absence under this rule is considered to be on public business.
Preventive measure	(5) A leave of absence is granted under this rule solely to protect the dignity and reputation of the Senate and the public trust and confidence in Parliament, and no other motive may be inferred from its application.
Presumption of innocence	(6) For greater certainty, the Senate affirms the right of a Senator charged with a criminal offence to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal, and no intent to comment on or pass judgment with respect to a Senator shall be imputed to the Senate because of the operation of this rule.
Suspension of convicted Senator	141. (1) A Senator who is convicted of a criminal offence in proceedings by indictment is suspended from the time of the conviction.
Duration of suspension	(2) A suspension under subsection (1) continues until the earlier of the time that the conviction is overturned on appeal and the time that the Senate determines whether or not the place of the Senator shall become vacant by reason of the conviction.
Time of conviction	(3) For the purposes of subsections (1) and (2), a conviction occurs as of the time that a finding of guilt has been made and a sentence other than a discharge has been passed.
Report	(4) Upon being advised that a Senator has been convicted while in office of a

criminal offence in proceedings by indictment, the Clerk of the Senate shall obtain and lay upon the Table a certificate or such other proof of the conviction as the court makes available.

APPENDIX I

PROVINCIAL REPRESENTATIONS TO SENATE COMMITTEES

(Extract from the Second Report of the Standing Committee on Standing Rules and Orders of Tuesday, May 28, 1985. The report was adopted by the Senate on May 30, 1985.)

The Standing Committee on Standing Rules and Orders recommends that the following be observed by committees of the Senate as general practice:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

APPENDIX II

CABINET MINISTERS BEING MEMBERS OF SENATE COMMITTEES

(Extract from the Eleventh Report of the Standing Committee on Standing Rules and Orders of Wednesday, May 14, 1986. The report was adopted by the Senate on June 12, 1986.)

The Standing Committee on Standing Rules and Orders examined that matter of whether or not Senators who are cabinet ministers, including the Leader of the Government in the Senate, should be members of Senate Committees, and concluded that it is desirable to have the Leader of the Government in the Senate and the Leader of the Opposition in the Senate as members *ex officio* of all select Committees of the Senate, as provided for in Rule 68 [currently Rule 87], but that your Committee considers it undesirable to have any cabinet minister other than the Leader of the Government as a member of Senate Committees.

APPENDIX III

PROCEDURE FOR DEALING WITH UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL COMMITTEE REPORTS AND OTHER DOCUMENTS OR PROCEEDINGS

(Extract from the Fourth Report of the Standing Committee on Privileges, Standing Rules and Orders of Thursday, April 13, 2000. The report was adopted by the Senate on June 27, 2000.)

- (a) If a leak of a confidential committee report or other document or proceeding occurs, the committee concerned should first examine the circumstances surrounding it. The committee would be expected to report the alleged breach to the Senate and to advise the Chamber that it was commencing an inquiry into the matter.
- (b) While the committee would be required to undertake an investigation of the circumstances surrounding the alleged leak, the means, nature, and extent would rest with the committee. As part of the inquiry, it is likely that the committee members, their staff, and committee staff could be interviewed. The committee would be engaged in a fact-finding exercise - to determine, if it can, the source of the leak. The committee should also address the issue of the seriousness and implications - actual or potential - of the leak. The committee would be expected to undertake this inquiry in a timely manner.
- (c) The committee investigation of the leak would not prevent any individual Senator raising a question of privilege in the Senate relating to the matter. As a general matter, however, and in the absence of extraordinary circumstances, it would be expected that the substance of the question of privilege would not be dealt with by the Senate until the committee had completed its investigation. Thus, if the Speaker finds that a *prima facie* case exists, any consequent motion would be adjourned until the committee had tabled its report.
- (d) Individual Senators would also be able to raise questions of privilege in relation to the leak upon the tabling of the committee report. In other words, while ordinarily a question of privilege is to be raised at the first opportunity, no Senator would be prejudiced by awaiting the results of the committee's investigation. Similarly, no action or inaction or decision taken by the committee in relation to the matter would be determinative in respect of the Speaker's responsibility under the Rules of the Senate to determine whether or not a *prima facie* exists.
- (e) In the event that a committee decided not to investigate a leak of one of its reports or documents, any Senator could raise a question of privilege at the earliest opportunity after the determination by the committee not to proceed in the matter. Similarly, if a committee did not proceed in a timely way, any Senator would be entitled to raise a question of privilege relating to the leak.
- (f) When the committee concerned tabled its report, the matter would ordinarily be referred to your Committee by the Senate if it discloses that a leak occurred and that it caused substantial damage to the operation of the committee or to the Senate as a whole.