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SAFE STREETS AND COMMUNITIES BILL

Allotment of Time for Debate—
Motion Adopted

Speech by:

The Honourable Claudette Tardif

Thursday, March 1, 2012

THE SENATE

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[*Translation*]

SAFE STREETS AND COMMUNITIES BILL

ALLOTMENT OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the motion moved by the Deputy Leader of the Government would limit debate on the omnibus crime bill at the report and third reading stage. I find it hard to believe that the members of this government, who proudly boast that they defend freedom of expression, would use any means available to them to limit the opposition senators' right to speak, particularly when no government senator has been able to provide a reasonable explanation as to why such a time allocation motion is necessary in this case.

Honourable senators, Canadians expect Parliament to carefully examine every bill that is introduced. Bill C-10 is a patchwork of nine bills grouped into one gigantic bill, and it contains legislative measures with very serious repercussions. How can we fulfil our responsibilities to all Canadians in a limited time period of six hours? Honourable senators, this is totally unacceptable.

[*English*]

Honourable senators, it has been stated before that one cannot justify bad policy through the repetition of a mantra about a mandate. "Safe streets and safe communities" are the shared aspiration of all Canadians and the common objective of all parliamentarians and parties. No political party can claim that it alone speaks for or cares for the safety of all Canadians. I have received literally thousands of emails from citizens in my home province of Alberta who are worried about the provisions of Bill C-10.

Since we last considered Bill C-10 in this place at second reading, much study and analysis has taken place. The Standing Senate Committee on Legal and Constitutional Affairs has done a remarkable job in examining this massive piece of legislation in a very short period of time. I would like to express my gratitude to the committee's chair, Senator Wallace, and its deputy chair, Senator Fraser, for their admirable management of this challenging undertaking. I also thank all committee members for the enormous amount of time they have put in. That said, I must say I find it disappointing that at the report stage of this bill we do not see a piece of legislation that reflects the evidence heard during the extensive hearings of the committee.

• (1410)

I would like to read just a few excerpts of testimony by witnesses at the committee hearings for this bill. The Honourable Daniel Shewchuk, Minister of Justice of Nunavut, before the committee on February 2, stated:

Bill C-10's emphasis on incarceration through its mandatory minimum sentencing provisions will guarantee an influx of prisoners into our territorial jails, which are

already overcrowded and unsafe, and will create an even larger backlog in our courthouse. . . .

Bill C-10 will divert the financial resources that we require to address the root causes of criminal behaviour and to fund rehabilitation programs to support a punishment model that will add further stress to our already overburdened corrections infrastructure and courts.

. . . I ask that the implementation of this bill be put off to allow adequate time for the Government of Nunavut . . . to develop the necessary infrastructure to accommodate this new burden on our justice and corrections system.

Honourable senators, evidence heard but not heeded.

The Assembly of First Nations, before the committee on February 20, stated:

First Nations are of the view that Bill C-10 will result in compounding the already unacceptable overrepresentation of our people in the criminal justice system.

Honourable senators, evidence heard but not heeded.

The Association for the Treatment of Sex Offenders, before the committee on February 21, stated:

If our goal is to reduce crime and to reduce recidivism and to do that through mandatory minimums, through registration or through eliminating different types of structured releases into the community, the evidence from other countries, particularly the United States, is not promising that these are indeed effective. . . . in terms of efforts to reduce recidivism, there is nothing to point us in that direction.

Honourable senators, evidence heard but not heeded.

The Centre for Addiction and Mental Health, before the committee on February 23, stated:

One of the first things we know is that for low level or less serious offending, mandatory minimums and harsher sentencing actually increases overall rates of recidivism. If the intent is to reduce recidivism rates, we will go a little in the opposite direction that we intend.

Honourable senators, evidence heard but not heeded.

Randall Fletcher, Sexual Deviance Specialist for Correctional Services of the Government of Prince Edward Island, before the committee on February 21, stated:

There is a large body of Canadian research indicating that treatment and rehabilitation programs for people who commit all categories of criminal offences, including sexual offences, are effective at reducing re-offence rates, while punishment on its own has been found to have either no effect or, in the case of more severe punishment, a negative effect of increasing rates of reoffending.

Once again, honourable senators, evidence heard but not heeded.

Much has been said about the ideological agenda of this government. The question of this chamber's mandate and role, and this government's respect for that function, has also been discussed at length. Today, with the government's much-lauded "tough-on-crime" agenda, I feel we are seeing one of the most troubling examples of this chamber being dictated to by the other place and the agenda of the majority party in that place.

My colleague Senator Di Nino, whom I hold in high regard, spoke about this concern in this place on October 23, 2003, when he said:

Too often, particularly in the past 10 or so years, this place has been dictated to by the other place. . . . We should not be denied the ability to fully, in good time, analyze the issues. . . .

I have not often spoken on this issue, but frankly, I cannot it defend it.

[*Translation*]

Honourable senators, just yesterday a former justice of the Supreme Court, the Honourable Louise Arbour, stated that this government is making a grave mistake by establishing mandatory minimum sentences in Bill C-10.

The Global Commission on Drug Policy, a group of international leaders that includes Kofi Annan, former secretary general of the United Nations, Fernando Cardoso, former president of Brazil, and Paul Volcker, former chair of the U.S. Federal Reserve, announced that Canada is on the threshold of continuing to repeat the same grave mistakes as other countries, moving further down a path that has proven immensely destructive and ineffective. Honourable senators, Canada is prompting a worldwide reaction.

Honourable senators, the Fathers of Confederation established this chamber to provide sober second thought on all bills.

[*English*]

A disturbing pattern has emerged since this government received its coveted majority. We have seen instances, both here and in the other place, time and again, of the government invoking procedural tactics to stymie debate on their legislation.

With this latest motion, the government will have used closure or time allocation on seven separate pieces of legislation, the latest of which includes nine bills. Time allocation is a tool afforded to the government that is to be reserved for cases where the utmost urgency is required, not to railroad those who do not agree with them.

Honourable senators, Speaker Kinsella himself has referred to the time allocation motion as a guillotine imposed by the government on this chamber. Indeed, on December 18, 2001, the Senate was considering Bill C-36, the original anti-terrorism bill introduced in the wake of the tragedies of September 11, 2001. Those were, of course, extraordinary circumstances. Yet even at this critical time, our Honourable Speaker, Senator Kinsella, who then occupied the role I hold now as Deputy Leader of the Opposition, held the view that these extraordinary circumstances were no justification for the imposition of time allocation. I quote Senator Kinsella from December 18, 2001:

The government would move the guillotine to shut down debate and bring this bill to a vote, as they did in the House of Commons. . . . They have failed Canadians. . . .

That is what we are dealing with in the motion that is before us. It is using power to secure more power. It was not necessary.

Senator Kinsella was supported in his view by Senator Di Nino, who rose in this place a few minutes later to echo the sentiments of his colleague, the Deputy Leader of the Opposition. Senator Di Nino said:

Honourable senators, of all the proceedings in this chamber, this is the one that disturbs me most. My friend, Senator Kinsella, has called this measure a "guillotine." It has been called "closure" and "time allocation." I call it the "muzzling of Parliament."

Honourable senators, if we collectively decide that our time allocation provisions are to be the rule —

The Hon. the Speaker: Order, order.

[*Translation*]

This has nothing to do with the guillotine but the Rules of the Senate are very clear: in this type of debate, each senator has 10 minutes.