



# DEBATES OF THE SENATE

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## JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

Allotment of Time for Debate—  
Motion Adopted

Speech by:

The Honourable Claudette Tardif

Thursday, June 21, 2012

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[*Translation*]

### **JOB, GROWTH AND LONG-TERM PROSPERITY BILL**

ALLOTMENT OF TIME FOR DEBATE—  
MOTION ADOPTED

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, once again, here I am, rising to speak about a time allocation motion.

Since the beginning of this session of Parliament a little over a year ago, eight bills have been passed using the tactic of a time allocation motion, the most recent example being the omnibus crime bill, which was an amalgam of nine bills.

Today, we have before us a 452-page bill that contains over 700 provisions and goes well beyond what can reasonably be referred to as fiscal policy. In my opinion, the government is demonstrating a serious lack of respect with this approach, which does a disservice to the institution we represent.

[*English*]

In the time since Bill C-38 was first tabled in the House of Commons, I have received countless letters, email messages and phone calls from those whom I represent in Alberta, as well as from Canadians across the country. Just two days ago, I received a most interesting message from a concerned citizen from Calgary, Alberta. I would like to read for you, honourable senators, some excerpts from her letter. She wrote:

As you meet in the Senate this week to vote on Bill C-38, I would like to present you with a “commoner’s” viewpoint to help your perspective. I am university graduate living in Calgary. As Bill C-38 is an issue of concern for me, I have taken it upon myself to ask people what they think of it. I have been surprised by what I have heard, and would like to share it with you. Again and again I have heard that people feel this bill is being pushed through on someone’s single agenda without regard for common interests or the opinion of the opposition, which was of course elected to do just that.

I firmly believe that if you truly knew the extent to which ordinary people are unhappy with Bill C-38, you would be better prepared to examine it, and as we all hope you will, vote against it.

I understand the need for such a Bill for our economy, but this is it not something that should be pushed through the Senate as it was pushed throughout House of Commons.

Honourable senators, the people of Canada expect us to do that work we have a constitutional responsibility to do, to examine legislation with a sober second thought.

I would like to bring to the attention of honourable senators the remarks made on the matter of the omnibus legislation by a prominent Canadian parliamentarian. I hope honourable senators on the other side will listen carefully.

During the 1st Session of the 35th Parliament, this member rose on a point of order. He said:

Mr. Speaker, I am rising on a point of order to make a procedural argument concerning the omnibus nature of this piece of legislation. . . .

Mr. Speaker, I would argue that the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles. . . .

First, there is a lack of relevancy of these issues. The omnibus bills we have before us attempt to amend several different existing laws.

Second, in the interest of democracy I ask: How can members represent their constituents on these various areas when they are forced to vote in a block on such legislation and on such concerns?

We can agree with some of the measures but oppose others. How do we express our views and the views of our constituents when the matters are so diverse? Dividing the bill into several components would allow members to represent views of their constituents on each of the different components in the bill.

The bill contains many distinct proposals and principles and asking members to provide simple answers to such complex questions is in contradiction to the conventions and practices of the House.

Honourable senators, those impassioned words were spoken in the House of Commons by none other than the Right Honourable Prime Minister Stephen Harper. A strong critic of omnibus legislation, Mr. Harper raised this point of order on Friday, March 25, 1994, in reference to a government budget bill.

**Senator D. Smith:** He talks the talk, but does not walk the walk.

**Senator Tardif:** Mr. Harper found the length of this bill to be inappropriate and reprehensible — a monstrous 24 pages. Honourable senators, I can only imagine how reprehensible Mr. Harper must find his Finance Minister’s 452-page budget bill.

**Some Hon. Senators:** Hear, hear!

**Senator Tardif:** To paraphrase his words, how can senators represent their regions on this matter when they are forced to vote in a block on such legislation and on such concerns?

[*Translation*]

A responsible government would, at the very least, acknowledge that providing sober second thought requires a great deal of time and consideration. And yet, even though the bill was received by the Senate just before adjournment on Monday evening, the government is already trying to close the debate at second reading. The Senate received the bill only three days ago.

Many senators who sit on one or more committees that are conducting a preliminary study of the bill have had the opportunity to examine part, but certainly not all, of the bill. Once again, I must point out that, by putting senators in such a position, the government is unilaterally abdicating the traditional responsibilities of this institution, namely, those of sober reflection and careful consideration of significant public policy issues affecting our country.

[English]

It is for this exact reason that omnibus bills are, by and large, a bad idea. Accordingly, parliamentary tradition frowns upon omnibus vehicles.

• (1450)

On page 2768 of the *Debates of the House of Commons*, honourable senators will find that on January 26, 1971, the Speaker of the House of Commons, the Honourable Lucien Lamoureux, expressed in a ruling his apprehensions about omnibus bills, asking members, “Where do we stop? Where is the point of no return?”

There must be a point where we can go beyond what is acceptable from a strictly parliamentary standpoint. The second edition of *House of Commons Procedure and Practice*, O’Brien and Bosc, page 724 specifies that an omnibus bill is characterized

by the fact that it is made up of a number of related but separate initiatives. An omnibus bill has one basic principle or purpose that ties together all the proposed enactments and thereby renders the bill intelligible for parliamentary purposes.

One of the reasons cited for introducing an omnibus bill is to bring together, in a single bill, all the legislative amendments arising from a single policy decision in order to facilitate parliamentary debate.

If we were to apply a test of these criteria to this omnibus budget bill, I think honourable senators would find this bill wanting. Are the separate initiatives related? Hardly. Does it have one basic principle or purpose? It has several dozen purposes. Is it intelligible for parliamentary purposes? I hardly think we can say that, honourable senators, as six different standing Senate committees had to be permitted to study the subject matter of this bill.

As much as I perceive this bill to be fundamentally flawed for the reasons I have just outlined, I think honourable senators would at least appreciate having the opportunity to examine it in more detail. I must oppose this time allocation motion, and I would encourage all honourable senators to do so.

**Some Hon. Senators:** Hear, hear!

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