



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 97

IMMIGRATION AND REFUGEE PROTECTION ACT
BALANCED REFUGEE REFORM ACT
MARINE TRANSPORTATION SECURITY ACT
DEPARTMENT OF CITIZENSHIP
AND IMMIGRATION ACT

Bill to Amend—Allotment
of Time for Debate—Motion Adopted

Speech by:

The Honourable Claudette Tardif

Tuesday, June 26, 2012

THE SENATE

Tuesday, June 26, 2012

**IMMIGRATION AND REFUGEE PROTECTION ACT
BALANCED REFUGEE REFORM ACT
MARINE TRANSPORTATION SECURITY ACT
DEPARTMENT OF CITIZENSHIP
AND IMMIGRATION ACT**

**BILL TO AMEND—ALLOTMENT
OF TIME FOR DEBATE—MOTION ADOPTED**

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to speak once again to a time allocation motion, this time in reference to Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. The title of this bill alone should give honourable senators an idea of the length and scope of this legislation.

If this motion is adopted today by the Senate, debate on third reading of Bill C-31 will be limited to one day: today.

Honourable senators, the report from the Standing Senate Committee on Social Affairs, Science and Technology was tabled just a few days ago. There is extensive committee evidence, 145 full pages of testimony, and the report even contains observations to the Senate. Honourable senators wishing to examine all of this in detail have scarcely had the opportunity to do so.

It is also of great concern to members on this side that the government seems to see nothing of great consequence in the evidence heard by the committee. On Friday, the government sponsor of the bill said only a few brief words at third reading and considered the matter closed. Subsequently, Senator Jaffer rose and spoke at length about many of the serious issues with the bill that were raised during committee study.

For example, there is the statement by the former chairman of the Immigration and Refugee Board that people use biometrics as though they were a magical solution with insufficient regard for information security; or, another example, the problematic situation created for the Roma people by the designated country of origin; or that Bill C-31 denies the reunification of families for a period of five years; or that Bill C-31 imposes a detention period, without review, until the expiration of six months.

As Senator Jaffer so eloquently stated, not only does this bill fail to strengthen our current immigration system, it also contains provisions that are unconstitutional and in direct contradiction with Canada's international obligations.

These are serious matters, honourable senators, and it is regrettable that the government does not consider these or other issues to be legitimate points of debate.

[Translation]

Those of us on the opposition benches have serious concerns about this bill, which will have profound repercussions on the lives of people across Canada. The government is refusing to acknowledge and respond to our serious concerns. This is not representative of a place of real debate. Rather, the aim of this

exercise in haste, speed and convenience is to pass the bill before the end of the day.

Honourable senators, I have stated repeatedly in this chamber that the increasingly common practice of time allocation is worrisome. We cannot claim to be carrying out our mandate as a chamber of sober second thought under such limits and constraints.

Can we assure the many stakeholders, groups and individuals for whom this bill will have serious repercussions that we are ensuring, with consideration and diligence, that good public policy is being implemented? Can we say that we have taken into account their interests by conducting a thorough review of the bill? I do not believe so, and I find that truly unfortunate.

• (1450)

[English]

Time and again in this chamber, we have heard the Leader of the Government and other senators make a claim. They claim that because their colleagues in the other place were recently elected with a majority, the government in the Senate has the mandate and authority to point to any given page or paragraph of their colleagues' election platform and insist that because it appeared in that brochure, they have the authority to limit debate in this place. They believe this gives them the right to prevent members of the opposition from being able to participate in debate in a careful and considered way. When this chamber was devised as a place of sober second thought, I hardly think this is what our predecessors had in mind.

The government has made it clear that it desires this bill to be passed into law by June 29. Perhaps honourable senators wonder why that is. The fact of the matter, as the Leader of the Government is often prone to say, is that June 29 is when the rest of the Balanced Refugee Reform Act of 2010, a bill that all parties supported, is to come into force. The government held a minority of seats in the other place at that time, so it had to work with the opposition parties to come to an agreeable compromise for refugee reform. Many of the changes that Bill C-31 is now introducing directly counteract the elements of that compromise, among many other things, the removal of the Refugee Appeal Division for certain claimants and the removal of the advisory group that the minister is supposed to consult in order to designate countries as being safe.

Thus, it would be terribly inconvenient for this government to have its previous legislation, which was negotiated in good faith and in the spirit of compromise, come into effect before it has the chance to override it with these new, oppressive rules that it has pushed through with its majority.

Honourable senators, I cannot in good conscience agree to shorten the time for debate on this bill simply because the government would like to undo its previous compromise in a convenient and expeditious way. Agreeing to curtail debate on this would be doing a disservice to the people I represent in Alberta — a province that welcomed 32,640 new immigrants in 2010.

I would like to remind honourable senators that in most other parliamentary democracies in the world, for example, the British Parliament, the Parliament of Australia, or the Parliament of New Zealand, time allocation motions are used only very rarely in situations where there is an urgent need to act or there is a threat to public health and safety. I do not see this to be one of those situations. If it is, perhaps the member of the government ought to rise in this place and explain. Until then, I would reiterate that I see serious concerns with this bill and until the government responds to the concerns raised by the opposition, it would be tremendously inappropriate to put the question to the house.

As my colleague, the Honourable Senator Jaffer, said in her remarks last Friday, this bill “. . . will really change the lives of people who flee to our country . . .” What is more, there have been arguments from numerous parties that there are unconstitutional elements to this bill. That is no small matter and it deserves real consideration, much more than just a few days of debate.

I would like to remind honourable senators of the words of the Honourable Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, when he was a member of Parliament in the other place for the former Reform Party. On May 25, 1998, he said:

I begin by expressing my regret that debate on this bill has been limited by the government’s time allocation motion. . . .

This is parliament. The purpose of this place is to deliberate on legislation brought forward by the government. It is not to rubber stamp legislation brought forward by the bureaucracy or the executive branch. It is to deliberate, to debate, to amend, to consider, to ensure that those who pay the bills for the legislation we pass have their concerns fully and exhaustively expressed with respect to every single piece of legislation . . .

I hope honourable senators will reflect on these words. I would urge my colleagues not to support this time allocation motion.
