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FIRST NATIONS FINANCIAL TRANSPARENCY BILL

Allotment of Time—Motion Adopted

Speech by:

The Honourable Claudette Tardif

Thursday, March 21, 2013

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ALLOTMENT OF TIME—MOTION ADOPTED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise to speak to the guillotine motion to close debate on Bill C-27, An Act to enhance the financial accountability and transparency of First Nations. This is a bill that will have serious and wide-ranging implications for Canada's indigenous people and the institutions through which they organize and govern themselves.

Some senators in this chamber support this bill. Other senators are opposed to it. There is strong disagreement.

• (1430)

Honourable senators, is that not the whole reason we are here: to discuss, to debate points of disagreement and to try and make Canada's laws better through our deliberations?

Debate is a good thing. I would like to see more of it on Bill C-27 before we move so quickly to close debate. The government is now seeking to end discussion on this bill — in one day. This bill has been before us at third reading for hardly 48 hours. Senator Patterson moved third reading of Bill C-27 on Tuesday. I hardly think we have heard a fulsome debate on this important bill since that time.

The Deputy Leader of the Government was correct when he rose and stated that he and I had failed to agree to a satisfactory number of days or hours in which to complete third reading of Bill C-27. I could not consent to a time limit.

Honourable senators should know that no reason was given for the urgency in passing this bill immediately.

On March 19 Senator Patterson stated:

My understanding is that the bill, even though passed, will not be proclaimed, nor will it become effective, until fiscal year 2014.

That means April 1, 2014, over one year from now.

Senator Patterson stated that it was important “to allow bands to adjust to the new regime.”

I do not dispute the honourable senator's point. However, I hardly think that a few more days of debate in Parliament before this bill becomes law — as we know it will since the government will use its majority to ensure passage — will inhibit bands from adjusting their affairs and practices in time for April 1, 2014. It is, frankly, a preposterous proposition.

I would contrast the situation with Bill C-27 to the situation with Bill C-55. In relation to Bill C-55, which we have received today, there is a tangible reason for the urgency in passing the bill without delay. This bill amends the Criminal Code to provide safeguards relative to the authority to intercept private communications because, on February 11, the Supreme Court found that the current relevant provisions in the act were unconstitutional. The court gave Parliament until April 13 to make the provisions constitutionally compliant. For these reasons, our caucus accorded its unanimous consent for the bill to be read a second time today. There is no such urgency with Bill C-27. For the government to use its force to compel the Senate to end debate on this bill for no tangible reason is highly inappropriate.

On the matter of the bill itself, transparency and proactive disclosure are important goals for all governments, including First Nations governments, and these are goals that I support. However, the Conservative government has a duty to work with First Nations on improving mutual accountability, not just to impose their own notions of what will work.

As Senator Dyck has so eloquently stated on numerous occasions, First Nations are willing partners on issues of governance, but this government must stop treating them as adversaries.

Bill C-27 does nothing to streamline the existing overwhelming reporting burden, especially for small First Nations with limited administrative capacity. Aboriginal Affairs and Northern Development alone receives over 60,000 reports from First Nations annually. Now the government is imposing additional reporting duties, while at the same time cutting the resources First Nations have to comply with these requirements.

As we heard from Senator Dyck, the government's approach to this matter violates the constitutional duty that the Crown has to consult with First Nations before changing laws or policies that affect First Nations people, institutions and rights.

Now the government is using its majority in this chamber to force the closure of debate and ultimately the passage of unconstitutional public policy.

Through these actions a tone is being set. Through these actions a statement is being made about the government's attitude towards its relationship with Canada's First Nations people. When there should be trust, there is distrust. Where there should be a spirit of cooperation, there is an adversarial environment. This is not leadership.

Honourable senators, I will be voting against this time allocation motion and I encourage senators on both sides to do the same.