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THE SENATE

Motion to Suspend the
Honourable Senator Pamela Wallin—
Motion in Amendment—Debate Suspended

Speech by:

The Honourable Claudette Tardif

Monday, October 28, 2013

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[*Translation*]

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MOTION TO SUSPEND THE HONOURABLE SENATOR
PAMELA WALLIN—MOTION IN AMENDMENT—
DEBATE SUSPENDED

Hon. Claudette Tardif: Honourable senators, the three motions before us today are unprecedented and have an impact on the dignity and reputation of the Senate and the fundamental principles that we hold dear, namely the rule of law, the presumption of innocence and due process.

Rather than pass judgment hastily by adopting these three motions, a number of senators have argued that this institution would be better served if we established a more transparent and fairer process within a special committee. This would allow us to explore all the relevant information and to do so within a reasonable timeframe. We would be able to make an informed decision in light of this committee's report.

Last week, there was talk of imposing a time allocation motion. On the weekend, based on what the Leader of the Government in the Senate told the media, the government changed tack, which speaks to its ad hoc approach.

When they are making things up as they go along, is this really a matter of protecting the dignity and reputation of the Senate? Is it a matter of enforcing the highest ethical standards and principles? Or is it a matter of dealing with these issues as quickly as possible in order to bury something that is a political embarrassment to the government?

If the government really wants to deal with this matter fairly and in a reasonable timeframe, then I think that the amendment proposed by Senator Cowan is a sensible solution.

[*English*]

The three motions in question which are before the Senate are some of the most difficult issues we have had to deal with in this chamber. We are all here because we care passionately about our country and its future. It is, in fact, a very special privilege to have the ability to serve in this institution.

Public officers, like all Canadians, must be held to account for their actions; but before we rush to judgment, we must remember that both the wrongdoings as well as our response to them reflect upon the dignity and the reputation of the Senate.

Honourable senators, I feel very uncomfortable imposing these sanctions hastily, stripping senators of everything but their title before we are assured that, as a chamber, we have respected the principles of fairness, due process and the rule of law — fundamental principles that serve as the foundation of our system of justice.

I'm not minimizing the allegations, but I'm defending these three senators' right to due process before we address the issue of sanctions, if we do conclude that such sanctions are appropriate.

There have been many thoughtful interventions from a number of senators indicating the need for due process and a full airing of the issues. There are still too many allegations that have been made that need to be investigated—and indeed we have heard some startling ones once again today—and far too many questions that remain unanswered to decide whether the disciplinary measures under consideration are appropriate and justified.

The senators in question were properly asked to repay all their wrongfully claimed expenses some time ago. What exactly took place between that time, when we were told that the case is closed, and today that justifies these sanctions? Do all the facts, once established, justify these sanctions? If so, what is the appropriate one in each case? What kind of precedent would we be setting imposing the sanctions before us? What would be the consequences of these measures, and the ramification of the process by which we have adopted them, on the reputation and dignity of the institution, the very things we are seeking to defend today?

As Senator Plett has asked: Would these sanctions set a precedent that would allow the Senate to effectively suspend any senator who has become an irritant? Or, as Senator Cowan and Senator Baker have pointed out, is there a risk that these sanctions might jeopardize the course of ongoing police investigations?

Honourable senators, we are not doing this institution any favour by rushing to judgment, by rushing our decision. We are the chamber of sober second thought. Both what we do and how we do it matter. That is why I support Senator Cowan's motion to refer this critical issue to a special committee, where the senators in question would have the opportunity to present their sides of the story and answer questions in a fair and transparent manner. A referral to committee is very appropriate in terms of getting the facts on the table and ensuring due process.

Like all of you, I am mindful of the need to protect the dignity and reputation of the Senate, but I do not see how rushing to judgment on these motions would serve this goal. In fact, I have received many emails from Canadians over the past few days telling me that rushing to judgment would do exactly the opposite, that hastily voting to suspend three senators before all the information has come to light would undermine the fundamental values of this institution and of our fundamental principles of fairness and justice.

Let me read a few emails I have received from the citizens of my province, the province of Alberta.

A first email reads as follows:

I respectfully request that you do not support the motion to suspend the three senators in question. At the very least, I would expect my representative in the Senate to ensure that all the facts are understood before any decision is made.

It would be a shame if these Senators do not receive due process as I feel that would only diminish the effectiveness of

the Senate itself at a time when “Sober Second Thought” has never been more important.

Another citizen writes:

The continuing machinations and debate to suspend three senators without pay or benefits, most specifically health benefits (considering the age and health of two), is an affront to Canadians. We value due process, the rule of law and the presumption of innocence until proven guilty in a Court of Law!. This has been neither due process nor a fair hearing. This issue is about the government majority deciding who is fit to sit in the senate on the basis of a political judgment. The conservative party is casting itself in the role of plaintiff, judge and executioner. The senators deserve the opportunity of legal representation in a properly constituted hearing that allows All Canadians to hear ALL the facts.

In another email that I received, the citizen wrote:

I urge you to vote against suspending any or all of Senators Brazeau, Wallin and Duffy without them having opportunity for fair hearings with representation and opportunity to present evidence and question those accusing them. To not provide such an opportunity would surely detract further from the public’s current deteriorating view of the Senate. Also, the more the matter has become public, the more important it is that the public have opportunity to believe that fairness has been in order, and a fair hearing held.

Let me read you a last email. I’ve received many more, but I just took a selective sample.

If the senate has a reason for being, it lies in its independence from short-term political expediency. The chance for “sober second thought,” in pursuit of the best long-term interests of the country and its people, is its reason for existence, and to the extent that you pursue that ideal you can have a sense of personal pride.

The current proposal to remove the senators in question from their positions without due process is a travesty to our systems of government and justice. Irrespective of the merits of the different parties, the present process embarrasses me and threatens me as a Canadian who is conscious of the threat to my fundamental rights.

The damage that supporting this proposal would inflict on our fundamental values is totally unacceptable. I want to appeal to you as an individual Canadian to another individual Canadian: please examine your conscience and vote to protect the basic values of our society.

• (1610)

As I’ve said, these are but a few examples of the many emails I have received from citizens in my home province of Alberta and elsewhere in Canada.

Let us address this issue properly so that we can be satisfied that any course of action we choose upholds the dignity of this institution and respects the principles of fairness and due process that all Canadians hold dear.

Some Hon. Senators: Hear, hear.
