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CANADA ELECTIONS ACT
Bill to Amend—Allotment of Time—
Motion Adopted

Speech by:

The Honourable Claudette Tardif

Wednesday, April 2, 2014

THE SENATE

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[Translation]

CANADA ELECTIONS ACT

BILL TO AMEND—ALLOTMENT OF TIME— MOTION ADOPTED

Hon. Claudette Tardif: Honourable senators, I would like to say that I oppose this time allocation motion. As it has done so many times during this 41st Parliament, the government wants to impose its will on this chamber once again by imposing time allocation.

When they were in opposition, some members of government — including the Prime Minister himself — railed against time allocation as a means of intimidation and closure. At the time, they said that the government wanted to muzzle Parliament and use its power to give itself further powers. Not only have the ministers of this government changed their minds, but they have made these procedural tactics their trademark in order to steamroll legislation through Parliament and muzzle any opposition from Parliament and the public.

A worrisome trend has emerged since the government won a majority in the other place. We have seen it, here and in the other place, on many occasions. The government uses procedural strategies to stifle debate on controversial legislative measures.

Today, it is especially ridiculous to be debating such a time allocation measure for a motion for pre-study of a bill. The government wants to rush the adoption of a motion to expedite the study of a bill that is stirring up a great deal of controversy.

[English]

Honourable senators, imposing closure on a pre-study motion is very different from imposing closure on a bill. A pre-study request is something parties usually and normally agree to. But then, as columnist Andrew Coyne so aptly stated in the *National Post* recently:

... this is not a normal government. It does not operate in the usual way, nor does it feel bound by the usual rules.

It is shocking that the government would impose closure on a motion for such a request. This is without precedent, as Senator Fraser has indicated. As far as I know, no government in the history of this chamber has ever imposed closure on a pre-study motion.

You may remember that the government tried this procedural manoeuvre in 2011 in the context of the debate on the Wheat Board bill. I was deputy leader at the time. The government's efforts to impose time allocation on a motion to do a pre-study turned into such a procedural mess that it was followed by points of order raised by senators, and the government had to withdraw its motion. As I mentioned earlier, we have seen instances time and again of the government involving procedural tactics to stymie or rush debate on their proposed legislation; but this, what we are doing today, will be a shocking precedent.

• (1500)

Furthermore, as stated by Senator Cowan and Senator Fraser, we have not heard a reasonable explanation as to why the study of this contentious bill should be rushed through Parliament in such a way. These tools are afforded to the government in cases where urgency is required, not to railroad those who do not agree with them. Today, the government's motion to allocate time for debate on a motion to pre-study a controversial bill is another troubling example of such behaviour.

[Translation]

Why is the government in such a hurry to pass this bill? Over the past few weeks, many aspects of this electoral reform have been criticized by all of the opposition parties in the other place; the Chief Electoral Officer of Canada, Marc Mayrand; former Chief Electoral Officer Jean-Pierre Kingsley; the author of the investigative report on the 2011 federal election, Mr. Neufeld; officials of provincial governments; academic experts across the country and abroad; and thousands of Canadians who signed petitions and sent letters and emails to parliamentarians in this chamber and the other place.

Given these circumstances and the tense political climate with pending allegations of electoral fraud, the least the government could do is allow both chambers of our Parliamentary system to take the time to examine this bill in the normal course of the legislative process.

Despite serious criticisms of many of the measures set out in this electoral reform, the government presumes that the bill will be passed in the other place without any significant amendments. What message is the government sending to members of all parties who are currently examining this bill? This says a lot about the government's willingness to accept amendments both in the other place and in this chamber. Apparently, the only amendments that the government will consider are those proposed in private conversations within the Conservative caucus.

Honourable senators, the Canada Elections Act is no ordinary law. It is at the heart of our democratic process. Its role is to provide a framework for running elections in a manner that is fair and impartial for all Canadians and all political parties. When it comes to the reform of the Canada Elections Act and democracy, extensive consultation should be held in order to reach a consensus, if possible. The utmost care should be taken when making any changes to electoral standards. Unfortunately, rather than listening to Canadians and opposition parties, the government wants to stifle debate and fast track its bill.

No one is denying that some changes need to be made to our election laws before the next federal election. However, there is a serious discrepancy between the content of the bill that is currently under debate in the other place and the measures called for by subject matter experts, the Chief Electoral Officer of Canada, and all members of civil society who have spoken out about the issue.

[*English*]

Honourable senators, in light of this widespread opposition and criticism, it is absurd for the government to want members of this chamber to agree to fast-track the study of this bill so central to our democratic process, especially considering that experts are warning us that this bill risks disenfranchising the already most disenfranchised groups in society. A bill that concerns the integrity of our electoral process and the right to vote deserves wider debate and consultation. The purpose of this chamber is precisely to represent the viewpoints of political minorities, the less fortunate, young Canadians and Aboriginals, all groups that would be affected by this bill. How are we willing to rush this bill through Parliament?

One cannot justify policy through the repetition of a slogan. “Fair elections” represents a shared principle of all Canadians and the common objective of all parliamentarians and parties. The legitimacy of the political system as a whole depends on the fair and equitable administration of election procedures. It is crucial that these rules be debated at length and in an open and transparent manner.

I would urge honourable senators to vote against this guillotine motion, and I would encourage the government to heed the many calls for wider consultation to ensure that important changes to our election laws receive full parliamentary and public debate.
