



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, April 2, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Wednesday, April 2, 2014

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I would like to draw your attention to the presence in the gallery of a very special group of Canadians who are representing CASDA, the Canadian Autism Spectrum Disorders Alliance. They are the front-line advocates across Canada in the area of autism.

On behalf of all honourable senators, I welcome you to the Senate of Canada, and thank you for coming.

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

## SENATORS' STATEMENTS

### WORLD AUTISM AWARENESS DAY

**Hon. Jim Munson:** If you hear some special sounds in our gallery today, those are all my friends and your friends, and the sounds you may hear are the sounds of love and affection from an autistic young man. His name is Philippe Manning. It's important to keep that in mind as we think of the world of autism — what goes on, what parents have to work with, love, and why we have to pay attention to this.

This is World Autism Awareness Day, an opportunity for us to learn about and reflect on the lives of people with autism spectrum disorders. For over a decade, I have done what I can do to share the stories of these folks — these front-line workers, these advocates, these families, these loving people.

For example, there's a birthday invitation, or a job offer. These are experiences most of us remember fondly and associate with growing up. Many children, adolescents and adults with autism miss out on these opportunities. The reasons are never exclusively their ASD symptoms.

Instead of friends and community, the context of their lives and the lives of their families is often isolation. Instead of optimism and enthusiasm about school and future independence, there is frustration and worry. Parents of autistic children often carry the full weight of the responsibility, and they're right to feel alone,

because at the end of the day, they are. They are also right to worry about what will happen to their children when they can no longer care for them.

I have heard so many heart-wrenching stories, and I have listened to their stories. This is about human rights. These are the origins of many wonderful programs in Canada's autism community.

Six years ago, right here in Ottawa, my friend Suzanne Jacobson, a grandmother, established an organization called QuickStart. Suzanne has two grandsons with autism. Her first, Alex, was diagnosed with autism at about two and a half years old, but it wasn't until he was four and a half that he finally began behaviour therapy. Knowing that early intervention is key but having to wait so long for it was harrowing for Suzanne and her family and her husband, Jake.

To spare other families the same agony, she helped create a clinic offering preliminary screening to determine each child's needs. It offers one-on-one consultation and group support sessions. The Kiwanis Club is involved in raising money for KickStart and QuickStart.

It is difficult to see Suzanne as anything less than directed and confident, but there was a time when she was very much at the mercy of an inadequate support system. It couldn't have been anything but love and family devotion that fueled her determination to learn about autism and seek out what her grandsons needed most. It had to have been compassion that inspired her to act in the interests of other families like hers.

• (1340)

We all have to begin somewhere. Everyone involved in Canada's autism community has a story much like mine, getting involved because it feels right, being led by their sense of responsibility to others. Many of them today possess a wealth of knowledge and insight about autism, its symptoms and treatments, and the services and resources offered at the grassroots, provincial and national levels — the extremely complicated and confounding networks that parents and other family members are up against in seeking help for their loved ones.

One of the greatest lessons I take from the stories of the people in my advocacy work is that we just have to try; right? It has been an emotional day, in particular in our Senate caucus this morning as we listened to the stories. We have a destination. We're on the road, but it is a long road and we have to get there.

As long as we listen to and take stock of the most pressing needs of those who want to help, we will end up in the right place. For those of you who wonder what your role in this could be, I

encourage you to treat World Autism Awareness Day as your opportunity to find out. Locally and throughout the country, there are wonderful people and organizations you can reach out to for information and better understanding. The simplest action might well be the beginning of a life-enriching experience.

[Translation]

### THE LATE ANGÈLE ARSENAULT, O.C.

**Hon. Paul E. McIntyre:** Honourable senators, we were saddened to learn recently of the death of Angèle Arsenault, a great pioneer of French music in Acadia. She died on February 25 at the age of 70 in Saint-Sauveur, Quebec, after a battle with cancer.

Angèle Arsenault was born on October 1, 1943, in Abrams Village, Prince Edward Island. She was the eighth of 14 children. She was exposed to music at an early age; at 14 she won her first singing contest.

She had a BA from the Université de Moncton and an MA in literature from Université Laval. She garnered many honours as a result of her love of music: the Order of Canada, an honorary doctorate from the university in her home province, the Ordre de la Pléiade, the Order of Prince Edward Island, and an honorary membership in the Association canadienne d'éducation en langue française, to name but a few. She was named Woman of the Year by Zonta International, an organization that has been working to advance the status of women for 90 years.

Angèle Arsenault had a radio and television career. She represented Canada at the Spa International Music Festival in 1980. She made several films with the National Film Board and received an award from the Chicago International Film Festival in 1974. She also appeared as Ticotine in the children's television program *Alphabus*.

Angèle Arsenault wrote some of the most beautiful songs in the French-speaking world, including *Grand-Pré*, *La grande vie*, *Y'a une étoile pour vous*, *Je suis libre*, *Je veux toute toute la vivre ma vie*, *Évangeline Acadian Queen* and *Moi j'mange*.

Her song *Grand-Pré*, an ode to the Acadian expulsion, unites Acadians around the world. She wrote the song *Hymne d'espoir* for the 1994 World Acadian Congress to pay tribute to the courage and determination of the Acadian people.

Angèle Arsenault paved the way for the generations of artists who followed her. Through her simplicity, modesty, authenticity and generosity she helped open the door for young Acadian artists.

Angèle Arsenault became a great songstress. With her round glasses and beautiful smile, she touched the hearts of the public through her simple, true words.

[ Senator Munson ]

[English]

### SASKATCHEWAN

#### LIEUTENANT GOVERNOR'S MILITARY SERVICE PIN

**Hon. Pana Merchant:** Honourable senators, last month marked the end of Canada's mission in Afghanistan, Canada's largest military deployment since the Second World War. Canadian men and women carried out their duties with the utmost professionalism and distinction. We are immensely proud of and grateful for their service to enhance peace, stability and hope in a troubled region of the world.

Throughout Canada's history, Saskatchewan men and women have served in wars, dangerous peacekeeping missions and vital domestic operations. They have made enormous sacrifices to represent our nation and to defend the principles of peace, freedom and justice.

The Lieutenant Governor's Military Service Pin is an undertaking of the Lieutenant Governor of Saskatchewan, the Honourable Vaughn Solomon Schofield.

[Translation]

Solomon Schofield, who is a strong supporter of the Canadian Forces, was the provincial chair of the Canadian Forces Liaison Council and is currently an honorary colonel of the 38 Service Battalion. In recognition of her many contributions, she received the prestigious Canadian Forces Medallion for Distinguished Service.

[English]

The Lieutenant Governor's Military Service Pin is intended to recognize those who are called on to risk their lives for their country. The pin is intended to be worn on civilian clothing so that we might recognize those who serve when they are not in uniform. To date, over 4,000 pins have been distributed. Recipients must have resided in Saskatchewan at one time. This includes those who lived in the province for military training or posting; current and retired members of the Canadian Armed Forces Regular Force, Primary Reserve, Supplementary Reserve and Canadian Rangers; and current and retired members of the police forces, including municipal forces and the RCMP who have served in military operations. On a discretionary basis, the pin may be presented to Saskatchewan residents who are current or former members of allied forces, such as the United States military and those from Commonwealth nations.

The pin symbolizes the gratitude of the Crown and of the people of Saskatchewan. It is a worthy recognition, and I encourage honourable senators to recommend the idea to our governance colleagues in the provinces and territories.

[Translation]

## NORTH ATLANTIC TREATY ORGANIZATION

### SIXTY-FIFTH ANNIVERSARY

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, today I want to commemorate a remarkable anniversary for the Euro-Atlantic community. In Washington, on April 4, 1949, 12 countries, including Canada, agreed to create the most successful political and military alliance in history: the North Atlantic Treaty Organization.

In the aftermath of the world war and the arrival of the Red Army on the banks of the Elbe, there was a critical need to create a military counterweight. As Lord Ismay, the Secretary General of NATO, said, the mantra of the Atlantic Alliance was “Keep the Americans in, keep the Russians out, and keep the Germans down.”

The Atlantic Alliance was, and remains to this day, a political alliance first and a military alliance second. The organic foundations and permanent nature of the organization make it unique among alliances.

When we talk about NATO, it is usually article 5 that comes to mind. However, all of the articles are important, since they emphasize the fundamentally peaceful nature of the alliance. In fact, isn't that the reason for the longevity of the Atlantic Alliance?

Economic prosperity and security in Germany mean that, still today, NATO is regarded as an essential tool in creating the democratic foundations of European states. Since the fall of the Iron Curtain, the Atlantic Alliance has managed to adapt to new security challenges and has invited many states to join its ranks. Indeed, the fact that new states in Central and Eastern Europe have joined reflects the appeal that membership in NATO still holds.

Many of the new allies and partners for peace see the Atlantic Alliance as an essential tool in ensuring that their interests are taken into account within a community of shared values.

• (1350)

At the same time, I would like to commend the important contribution made by Canadian troops to the International Security Assistance Force in Afghanistan. The longest and most dangerous mission in NATO's history definitely had its share of difficulties and hardships, but our men and women in uniform can be proud of their contributions to creating a country governed by the rule of law and giving the Afghan people hope for a better future.

I would like to congratulate the Atlantic Alliance on the incredible work it has done in the past, as well as its outgoing Secretary General, Anders Fogh Rasmussen, from Denmark. I

would also like to wish NATO and its next Secretary General, Jens Stoltenberg, from Norway, every success.

[English]

## VETERANS AFFAIRS

**Hon. Catherine S. Callbeck:** Honourable senators, we all know that Veterans Affairs Canada has closed nine of its district offices across the country, including the one in my home province of Prince Edward Island. We are now the only province that does not have a district office.

At the time of the closure, we heard stories about veterans no longer receiving the same level of service they had before. One Legion service volunteer on Prince Edward Island said that the wait time for a home visit had gone from a matter of days to up to six weeks. Two client services agents are now responsible for 2,200 veterans on Prince Edward Island, and they are located at the district office in St. John, New Brunswick.

In an interview at the end of January, Michelle Bradley, one of the two client services agents at Veterans Affairs, told the local newspapers:

We've already taken on files from the Charlottetown office. The impact that I have seen already is that the wait times are increasing for veterans. They are waiting weeks for phone calls back. We just don't have the time to service them the way the Charlottetown office did.

I myself worked on a constituency case for a 95-year-old veteran whose file was in Saint John. I could not get to talk to anyone on Prince Edward Island about this file, either personally or on the phone. This man's family had to deal with a 1-800 number just to talk to a live person.

Now we hear that the department itself has serious concerns about how it will maintain quality services for veterans under all these changes. Last month, Veterans Affairs Canada released its plans and priorities report for the 2014-15 fiscal year. The report includes a risk analysis, and two of the three external risks identified are directly related to service delivery.

The first risk is that “. . . the modernization of VAC's service delivery model will not be achieved as expected, and will not meet the needs of Veterans, Canadian Armed Forces members, and their families.” The second risk that was identified says “. . . there is a risk that quality service delivery could be affected due to VAC's increasing reliance on partners and service providers in the federal, provincial and municipal governments as well as private sector.”

This government should need no reminder of its responsibility for the well-being of those who have proudly and ably served our country. The closure of the district offices, the loss of Veterans Affairs staff, the move to automated self-serve systems may all

have a terrible impact on the most vulnerable of our veterans. Even the department worries that it will not be able to provide them with the care they need.

I would urge the federal government to review this whole situation and to change its approach by putting veterans first.

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## ROUTINE PROCEEDINGS

### ADJOURNMENT

#### NOTICE OF MOTION

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, April 7, 2014, at 4 p.m.; and

That rule 3-3(1) be suspended on Monday, April 7, 2014.

### NATIONAL FIDDLING DAY BILL

#### FIRST READING

**Hon. Elizabeth Hubley** introduced Bill S-218, An Act respecting National Fiddling Day.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Hubley, bill placed on the Orders of the Day for second reading two days hence.)

### CANADA-JAPAN INTER-PARLIAMENTARY GROUP

CO-CHAIRS' ANNUAL VISIT TO JAPAN,  
FEBRUARY 19-24, 2011—  
REPORT TABLED

**Hon. JoAnne L. Buth:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group respecting its participation at the Co-Chairs' Annual Visit to Japan, held in Tokyo, Japan, from February 19 to 24, 2011.

### CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL MISSION TO THE KINGDOM OF MOROCCO  
AND THE REPUBLIC OF CÔTE D'IVOIRE,  
SEPTEMBER 29-OCTOBER 5, 2013—  
REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa Parliamentary Association respecting its participation at the Bilateral Mission to the Kingdom of Morocco and the Republic of Côte d'Ivoire, held in Rabat, Morocco and Abidjan, Yamoussoukro, Côte d'Ivoire, from September 29 to October 5, 2013.

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## QUESTION PERIOD

### HEALTH

#### AUTISM

**Hon. Jim Munson:** Honourable senators, my question is obviously to the Leader of the Government in the Senate. Leader, you weren't here a minute ago, but there were a lot of folks here from the autism community across the country. They are very passionate people who are looking to the government for more action.

I preface this question because the Senate does work in wonderful ways; it really does. It's not that long ago, seven years ago, that we had a report, *Pay Now or Pay Later: Autism Families in Crisis*, involving not only Art Eggleton, who was the chair of the Social Affairs Committee at that time, but also Dr. Keon. Dr. Keon acted as a mentor for me to continue to pursue what I had as an inquiry, which ended up being this report, and this is what the autism community is using as a basis for the work that they're doing. It really shows, Mr. Leader, that we can produce reports together; we can get some action, and we've had some action.

At that time, when we published that report, the autism prevalence rate was 1 in 166. When I last spoke, it had become 1 in 88. Last week at the Centers for Disease Control in Atlanta, a 30 per cent increase was announced: 1 in 68. That's just in a few years, and it's going to get worse.

Mr. Leader, we're facing a crisis in this country. Your government has done some things that are very important, but this is about leadership. I'm wondering if your government is ready to now take charge of this situation.

I'm living in an environment in which I don't care which government; I really don't.

• (1400)

If somebody takes hold of this matter and shows leadership and moves to a national autism action plan, I would be one happy senator. Is your government ready to take that leadership?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, Senator Munson.

You will understand that even though I am sometimes outside the chamber, at my office, preparing for Question Period, I still listen to the debates and the statements by senators. I want to assure you that I pay attention to the senators' statements.

Obviously, our government also listens to people in need, particularly, as you point out, families with autistic children.

Our government wants to advance research to help people with autism and their families. Since 2006, we have invested \$33.5 million directly into autism research. We have also announced a new research chair at York University who will study ways of improving the treatment and care of people with autism spectrum disorder throughout their lives.

As I have mentioned — and I think you noticed — Economic Action Plan 2014 improves support for people with autism spectrum disorder through investments in the Ready, Willing and Able initiative and the creation of vocational training centres for people with ASD.

The plan also adds the cost of designing personalized treatment plans, including applied behaviour analysis therapy for autistic children, to the list of expenses eligible for medical expense tax credits.

Those are just some of our government's accomplishments and commitments since 2006, and they reflect our determination to improve the health and quality of life of autistic people and the people around them.

[English]

**Senator Munson:** Thank you for that answer. In that budget, of course, there were millions of dollars for vocational training, which is extremely important, and employment programs for individuals with autism, with a program called Ready, Willing and Able. I commend the government; I congratulate the government for this. Also, we announced today, because of the *Pay Now or Pay Later* report, under the Public Health Agency, the first ever surveillance to get our own data. If you can believe it, all of these numbers I talk about come from Atlanta, Georgia, from the CDC.

Yes, this is a step-by-step process, but I'm wondering, Mr. Leader, if your government is prepared to take the next step. For the folks over here in the Senate, the next step is to have the federal government sit down and initiate a federal-provincial conference of ministers. Today, I stood out on the Hill, in front of 200 to 300 people, with Minister Bergen. We were on the same

page. We seem to be getting closer and closer to where I think we all want to be. So is your government prepared to call an emergency conference? There is a crisis; there is an epidemic. Wouldn't it be a good thing, to put it simply and in a sincere way, to have your government initiate this type of conference with the provinces?

[Translation]

**Senator Carignan:** Senator Munson, as you know, we are taking practical measures, and the achievements and commitments that I listed are examples of those.

I would like to remind you that we also invested over \$1 billion in Genome Canada to support leading-edge research in areas such as autism. As part of a partnership with stakeholder groups, we are also encouraging research and working to improve the health of people with autism.

It is therefore important to us in this case, as with most other issues that deserve our attention, to take practical measures that will have an impact on our communities and on the lives of Canadians, particularly those with autism and their families.

[English]

**Senator Munson:** I have a brief supplementary question to the question I asked. Would you support the idea of a national-provincial conference on dealing with autism? If you can't quite answer that directly, would you use your office and your leadership with the cabinet and the Prime Minister to convene such a conference? It really is what the autism community wants, and it is the recommendation that came from both Conservative and Liberal senators in our 2007 report.

[Translation]

**Senator Carignan:** Senator Munson, since you asked, I will let the Minister of Health know about your concerns and the request that you are making today.

[English]

## FOREIGN AFFAIRS

### SALE OF DIPLOMATIC RESIDENCES

**Hon. Percy E. Downe:** The Leader of the Government in the Senate will recall that, last year, I asked him about the plans to sell the residence of the Canadian Ambassador in Rome, and I'm wondering if he has any update on that file.

[Translation]

**Hon. Claude Carignan (Leader of the Government):** That is a good question, senator. I can get back to you with more specific information on the status of that situation. Although this is an important issue, I am sure you will understand that I do not get daily updates on it. I will get back to you on this in the next few weeks.

[English]

**Senator Downe:** Thank you very much; I appreciate that. Let me remind you of some of the comments you made last year, and I'm sure they're still valid this year. When I asked about it, you indicated in your answer:

As I have already explained, we are trying to make the most efficient use of Canadian financial resources. When we put foreign residences up for sale, we want to make sure that Canadians will get their money's worth . . .

I wonder if you could also advise us why we're selling so many diplomatic properties in depressed markets? For example, across the border, in Buffalo, U.S.A, the Canadian government hired an appraisal firm, KLT Residential Inc., to assess the value of a property we own there. They assessed the value at \$905,000. We recognized the depressed market, and it was sold for \$759,000, a difference of \$146,000. I wonder how that is efficient use of Canadian taxpayers' money.

[Translation]

**Senator Carignan:** As you know, senator, our government respects taxpayers and spends their money wisely. We intend to ensure that the Canadian diplomatic corps gives taxpayers value for their money. We ensure and we will ensure that the rule regarding the wise use of taxpayer dollars is followed by the Canadian diplomatic corps.

[English]

**Senator Downe:** I appreciate that answer. That's very similar to the answer you gave last time I asked the question, when you said:

Our government shows respect for Canadian taxpayers by spending their money wisely . . .

Given that, can you explain the property sale in Port-of-Spain, where the appraised value of the property was \$2,133,000? We hired a local appraisal firm, G.A. Farrell & Associates, and we sold it for \$1.7 million, in another depressed market, \$416,000 below the asking price. Is that good value for Canadian taxpayers?

[Translation]

**Senator Carignan:** Senator, you seem to be becoming an expert in real estate brokerage and property assessment.

• (1410)

I have no expertise in those areas but, as I said earlier, and since you quoted me, our government wants to ensure and will ensure that Canadians derive maximum benefit from the sale of these properties.

You seem to have some expertise in international real estate appraisal. I don't claim to have any such expertise, but I will convey your concern to the minister.

[English]

**Senator Downe:** Actually, the expert on property is to my left, but he hasn't been involved in this file.

The information I have, I received from the Government of Canada. I have the list here. I can share it with you, if you're interested.

You also said:

We expect Canadian taxpayers' money to be used as effectively as possible . . .

This was in reference to diplomatic sales. I wonder if you can tell us about the appraisal of the diplomatic property in Stockholm, which was done by a local firm, and why we listed it for sale for \$8.4 million — these are all in Canadian dollars — and sold it for \$5.8 million, \$2.6 million less than what we were asking. Is that good use of Canadian taxpayers' money?

[Translation]

**Senator Carignan:** As I explained, we try to get the best value for Canadians. A host of factors can influence whether a property sells for more or less than the appraised value. These factors include the condition of the property, the market, the type of property and cultural and heritage preservation obligations.

You referred to the property expert to your left. Perhaps we can ask him what factors can result in the value of a property going up or down. You might get some answers to your questions about the prices these properties were sold for.

[English]

**Senator Downe:** Maybe the government leader doesn't understand what an appraisal is, but that's why the Government of Canada retained locally engaged companies to give an appraisal of the value, taking into consideration the issues you just raised.

Let me give you another example. We all know about the Irish market, and obviously people are concerned about this now. The Irish market has been quite depressed. Canada hired the appraisal firm in Dublin, HOK Residential, an appraisal firm. They assessed the value of the property there at \$26,826,000. We sold it — everybody should be sitting down, because you might be concerned about this if you weren't already — for \$17,631,000, a difference of over \$9 million. The last time I asked you about the sale of the residency in Rome, you said:

The plan is quite simple . . . The government respects taxpayers and spends their money wisely.



How do we know we will not face a significant loss on the sale in Rome as we did with some of these other properties by selling in a depressed market? How is that using money wisely?

[Translation]

**Senator Carignan:** Would the senator like to tell us about the factors that resulted in the property being appraised at that value? What were the factors that justified that asking price?

Have you ever sold a property for less than its appraised value? Have you ever bought a property for less than the municipal assessment? I can't comment on the factors that affect the real estate market worldwide. However, if you know something about it, that's great, because then perhaps you can make profitable international investments.

What we're doing is asking Canada's diplomatic corps to ensure that it makes the best possible use of taxpayers' money and that Canadians get their money's worth.

[English]

**Senator Downe:** Just a clarification. It wasn't the assessed value I was asking about; these are appraised values. The Government of Canada hired appraisers. These are documents from the Government of Canada. There may have been trouble with the translation; maybe you didn't hear it correctly. These are the appraised values and I'm talking about the selling price. That's the difference. We're down a substantial amount of money. Many Canadians are concerned about what the government is doing. I asked you before about Rome. I look forward to hearing your answer.

[Translation]

**Senator Carignan:** I don't know about municipal assessment either, but you have demonstrated your knowledge of real estate and brokerage, and I hope you will continue to hone that talent. However, our government ensures — and this is quite clear in the instructions given to Canadian diplomats — that when assets are sold, it is done in the best interests of Canadians.

**Hon. Roméo Antonius Dallaire:** The residence in Rome was given to us by the Italians as a thank you for our involvement in the Second World War. It cost us nothing, monetarily speaking, but it cost a fortune in blood. Why was there such a need to make a profit — or worse, a loss — with the sale of a property that symbolizes our presence there during a time of war? Are there valid reasons for selling this type of property? Are there no valid reasons for keeping it, even if only for its considerable symbolic value?

**Senator Carignan:** Earlier, we were being criticized for not making enough profit, and now we are being criticized for the opposite. What a contradiction.

You know our government, and you know that our decisions are rational and based on strict standards, with a view to getting the best value for taxpayers' money.

[English]

## DEMOCRATIC REFORM

### FAIR ELECTIONS BILL

**Hon. Larry W. Campbell:** Honourable senators, I have a question from a member of the public regarding democratic reform. Specifically, it's from Ian Sapollnik of Richmond, British Columbia. Normally I wouldn't ask this question because it's going towards a caucus opinion, but since Senator Runciman asked yesterday what they thought our caucus, the independent Liberal caucus, would think about this, I've decided to ask the question.

An article in the *National Post*, undersigned by 160 experts from the top universities in Canada, criticized the Fair Elections Act (Bill C-23), saying that "Bill C-23 would diminish the ability of Elections Canada to protect the fairness of the electoral process". The bill plans to increase the influence of the incumbent party and MPs, as well as the influence of money in our electoral system. Furthermore, the bill would forbid Elections Canada from promoting voter participation or communicating with the public about voting irregularities. Many voters could become disenfranchised due to the removal of Voter Information Cards.

The question that the citizen has is the following:

Does the Conservative Senate caucus support a bill that has the potential to hinder democracy in such a powerful manner?

The question is to the Leader of the Government in the Senate.

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Before saying that, you should agree to study the bill in order to analyze it on its merits.

We believe that the reforms set out in this bill, as in all government bills, are important.

We introduced the Fair Elections Act because we want to see the proposed changes pass.

The Chief Electoral Officer was clear when he said that the reforms need to be implemented before the next election. It was the Chief Electoral Officer himself who insisted that these changes be put in place before the next election.

• (1420)

Bill C-23 implements 38 of the Chief Electoral Officer's past recommendations. It provides for more than a dozen new

offences, making it easier for the Commissioner to combat big money, rogue calls and fraudulent voting.

The Fair Elections Act protects voters against misleading and fraudulent calls. It provides for the creation of a mandatory public registry for mass calling, prison sentences for people who impersonate elections officials, and harsher penalties for people who mislead voters in order to prevent them from voting. It also eliminates the political loans loophole, which allowed the Liberal Party to accept hundreds of thousands of dollars in illegal contributions by simply describing them as unpaid debts.

Canadians can select two out of 39 pieces of ID they can use to vote, including student cards, and photo ID is not required. That is just one example of the provisions of the Fair Elections Act that I referred to. They clearly demonstrate our government's desire to promote fairer, more democratic elections and to create a system that will prevent electoral fraud.

[English]

**Senator Campbell:** Well, that's all well and good, honourable leader. The difficulty is that you want to pick and choose what the electoral officer wants. I agree that there should be changes, and he agrees with that. Unfortunately, in many areas, the changes that you're going to make will diminish the ability of the electoral officer to function in such areas as fair elections, campaign financing, partisans at polling stations, and on and on.

I realize that your government has to cling to history to make a point, as you continue to make history yourself in the crazy ideas and the way that you're governing this country.

If you respect the elections officer so much, why would you not just follow his recommendations and bring in the changes that he thinks would help? I might add, it's not just one elections officer; it's across Canada. Why wouldn't you just accept their knowledge and bring in changes that actually show Canadians that you really want a change in elections, instead of stealing the next one?

**Some Hon. Senators:** Oh, oh!

**Senator Tkachuk:** Provide evidence of that!

[Translation]

**Senator Carignan:** Thirty-eight of the recommendations made by the Chief Electoral Officer are reflected in the bill, and many changes have been made. I would also like to point out that we are adding an extra day of advance polling, for a total of four in addition to voting day, which will allow more people to vote.

Quebec is in an election period right now. Extra days were added for advance polling. There was a record high voter turnout at advance polls thanks to the extra day that was added. Now imagine what four days of advance polling will do. This will give people more opportunities to exercise their right to vote. This measure will promote voting and democracy.

[ Senator Carignan ]

I think your comments are baseless, and if you agree to a pre-study the bill will be referred to the Standing Senate Committee on Legal and Constitutional Affairs, of which you are a member. You will see for yourself what a good bill this is.

You used to be a mayor. You took part in elections. I also participated in elections as an organizer, a candidate, and an assistant returning officer. I was on the advisory committee of Quebec's chief electoral officer. I have read Bill C-23, and I can tell you that it is an excellent bill.

[English]

**Senator Campbell:** Honourable leader, I certainly am not questioning your ability to either run or get elected. That goes without saying.

The difficulty I have is this, again, rush to judgment that we continually see here, be it an omnibus bill or calling time allotments.

I'm just simply asking you this. You were the one who said that the Chief Electoral Officer called for these changes. In your answer, it makes it appear that he's dancing in the streets with joy at this bill. We know that's not true. We know that the elections officer for British Columbia has spoken up and expressed concerns.

Again, my question is this. I'm quite prepared to accept the things that the elections officer says, the changes that we need, and I believe this place would move forward on these changes. The difficulty you have is that you cannot, on one hand, use him as your saviour and, on the other hand, make him into a villain. You're cherry-picking here what the elections officer says.

I don't think we should be looking at a bill before it's even sent from the other place, but that's another matter.

I ask you, would you not consider going to your party and suggesting we could have this all through in a very short period of time if you simply got rid of those things that will cause difficulty to Canadians who want to vote?

**Senator Tkachuk:** Like what? Identification.

[Translation]

**Senator Carignan:** Senator Fraser herself said that she was a victim of voter fraud when someone voted in her place. That is unacceptable to me, and if the current legislation leaves room for that type of fraud, then I think it needs to be changed.

Bill C-23 provides for 39 different ways for people to identify themselves and confirm where they live. It seems legitimate to me for people living in a democracy to identify themselves with the

appropriate documents, especially when there are so many different ID cards that are acceptable. No one will be denied their right to vote, and at least we will know who is voting.

[English]

## INFRASTRUCTURE

### IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

**Hon. Catherine S. Callbeck:** Honourable senators, I rise on a matter of Senate business.

On January 28, I asked the Leader of the Government in the Senate about when the federal government would commit to sharing the cost to upgrade the electricity transmission system between Prince Edward Island and New Brunswick. As I said, the need for a third underwater cable continues to increase.

The leader took the question as notice and said I would have a very comprehensive answer in the coming weeks. That was two months ago. I have yet to receive an answer, and I'm wondering when I might expect one.

**Hon. Claude Carignan (Leader of the Government):** It could take two years.

[Translation]

We are preparing the answer to that question, and as soon as we have it, we will table it as usual.

[English]

**The Hon. the Speaker:** Honourable senators, it's perfectly in order for an honourable senator to rise on a question of order, as Senator Callbeck has just done, and she has received a reply from the Leader of the Government in the Senate.

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## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 28, followed by all remaining items in the order that they appear on the Order Paper.

• (1430)

## CANADA ELECTIONS ACT

### BILL TO AMEND—ALLOTMENT OF TIME— MOTION ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of April 1, 2014, moved:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of motion No. 26 under "Government business", concerning the pre-study of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

She said: Honourable senators, I rise today to speak to the motion for time allocation, which states that, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration of motion No. 26 concerning the pre-study of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

This is an important motion that will allocate a maximum of six hours to debate a motion to approve a pre-study, Bill C-23, prior to the said bill coming before the Senate chamber.

As I mentioned yesterday, this bill is complex and raises several technical issues on how Canadians can exercise their right to vote, how the elections officials are to conduct themselves and other topics of importance.

First reading of Bill C-23 occurred in the House of Commons on February 4, 2014. Second reading occurred on February 10, 2014, and it was referred to the Standing Committee on Procedure and House Affairs that same day.

At this committee stage, a pre-study of Bill C-23 would be an opportunity for the Senate to concurrently examine this bill and for senators to become more familiarized and acquainted with this very important bill, and through this process have some impact.

We have been in ongoing discussion about the importance of a pre-study. Senators have raised questions in Question Period and discussions in caucus. We had hoped to reach agreement, but, unfortunately, we were unable to do so with our colleagues on the other side, which has led to today's debate on time allocation.

I encourage all honourable senators to support this important motion so that we may allow our Senate Standing Committee on Legal and Constitutional Affairs to begin its pre-study of Bill C-23 at this time.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable colleagues, I can't help but feel that with this debate, we have truly passed through Alice in Wonderland's looking glass into

some kind of strange parallel universe. In the claimed interest of promoting democracy, the government has invoked closure to shut down debate before any debate has taken place, on a motion to short-circuit the usual parliamentary legislative review procedure and compel the chamber of sober second thought to review the government's highly controversial election reform bill before it has even completed its study in the other place — and while the government is saying it is open to amendments, meaning the bill that we will ultimately receive may well — hopefully — not resemble the bill it wishes us to study now.

The Deputy Leader of the Government, in her very brief remarks yesterday, and again today, in support of the motion for a pre-study, said that we should engage in this study because, in her words:

... this bill is complex and raises several technical issues on how Canadians can exercise their right to vote, how the elections officials are to conduct themselves and other topics of importance.

Canadians expect their parliamentarians to take all steps necessary to conduct a thorough and complete study of such an important piece of legislation. This is why we believe that the Senate, through its Standing Senate Committee on Legal and Constitutional Affairs should start the study now to allow ample time to deal with the legislation now, as well when it comes to us in this chamber.

That is a quotation from the Deputy Leader of the Government.

In her very short remarks, the deputy leader notably did not make any suggestion that there is any particular urgency about this issue.

Let me remind you of the history of this sorry saga, honourable senators. As far back as March 2012 — that's two years ago, colleagues — as Canadians' anger was growing over the emerging details in the robo-calls scandal, the Harper government promised that it would introduce changes to the Elections Act. Indeed, in March 2012, the Conservatives supported a motion in the other place promising to enact reforms within six months. That would have been September 2012.

Fast-forward a year, to April 2013. The then-Minister for Democratic Reform, Tim Uppal, was scheduled to table the government's bill on April 18, 2013 — almost a year ago. A technical briefing was scheduled for media. But the day before, the government changed its mind and announced the bill would not be tabled as promised.

Instead, it waited until February of this year to table its proposed legislation: another 10 full months when no bill was put forward, no study was done — nor could it be done — of the government's proposals.

No wonder the deputy government leader does not even try to claim that her government has done its best to meet pressing deadlines, and needs the Senate to join in a special rush to study the bill quickly, as well.

All of this, colleagues, was being done behind closed doors. From the media reports, there was some consultation among colleagues who are members of the Conservative caucus — indeed, reportedly, that was why the April 2013 draft bill was scrapped — but no consultation with Canadians or, indeed, with the Chief Electoral Officer of Canada, the person responsible for overseeing the Elections Act.

Colleagues, compare that to how previous changes to the Elections Act were developed and then studied by Parliament. To take just one example, in 1996 the government of then-Prime Minister Jean Chrétien introduced a set of extensive changes to the Elections Act. These put in place, among other things, the permanent voters list and the 36-day election period.

There were extensive public consultations, the presentation of the proposals to a committee in the other place and a request that its members initiate discussions with their caucuses; and changes were made in response to the recommendations received back. There were then lengthy deliberations by Parliament that followed those consultations, including pre-study by a House of Commons committee, and a number of amendments made, including several amendments which, in the words of the minister at the time, “addressed the understandable opposition concern that election reform must not disadvantage any one party in favour of another.”

There was no suggestion then of pre-study by the Senate. We received the bill in the ordinary course, with all the amendments that in its wisdom, after all its study, the other place saw fit to pass. The Senate then did its usual serious and thorough study of the bill, exercising sober second thought.

With Bill C-23, the entire process has been utterly different, and the unanimity of opposition from across the country has been striking.

The Chief Electoral Officer of Canada, who pressed the government for electoral reforms, has presented a dense, 12-page chart detailing amendments he believes need to be made to the bill.

The former Chief Electoral Officer, Jean-Pierre Kingsley, testified in the other place, saying that he listened to the testimony of Mr. Mayrand broadcast by CPAC and agreed with him.

Mr. Kingsley was very clear: Bill C-23 must be amended before it is passed. Let me read to you from his testimony on just one amendment he considers essential. He said:

Let me be clear. Absent the rescinding of the proposed section 18 in Bill C-23, Canadians will lose their trust and their confidence in our elections. That is not acceptable.

*The Globe and Mail* took the step, I believe unprecedented in its history, of devoting an entire week of editorials to problems with Bill C-23. They headed each one: “Slow it down, Mr. Poilievre.”

Instead, colleagues, today we are being asked today to speed it up.

One hundred and sixty political scientists from universities across the country wrote an open letter, published in the *National Post*, protesting Bill C-23. They began their letter:

We, the undersigned — professors at Canadian universities who study the principles and institutions of constitutional democracy — believe that the Fair Elections Act (Bill C-23), if passed, would damage the institution at the heart of our country's democracy: voting in federal elections.

We urge the Government to heed calls for wider consultation in vetting this Bill. While we agree that our electoral system needs some reforms, this Bill contains proposals that would seriously damage the fairness and transparency of federal elections and diminish Canadians' political participation.

• (1440)

Instead of wider consultation, we have the government holding the guillotine of time allocation over us to help rush this bill through Parliament.

If the government is serious about having us do a pre-study, why not agree to have the committee travel to listen to the Canadians whose most fundamental democratic right is at issue? Why the need for time allocation? Why not a proper debate over the seriousness and scope of a pre-study?

If the government is truly interested in listening to other views, then surely Bill C-23 will be significantly amended before it reaches the Senate. What exactly, then, will we be pre-studying?

I mentioned that opposition to this bill has extended beyond our borders. Nineteen international scholars and political scientists from as far away as Australia and New Zealand, as well as the U.K., Ireland, Denmark and the United States, wrote to express their deep concern about the bill. They said that they "are concerned that Canada's international reputation as one of the world's guardians of democracy and human rights is threatened by passage of the proposed Fair Elections Act."

Colleagues, is that how we want to proceed? Bill C-23 and the process by which it is being imposed — there's no other word for it — is unprecedented and frankly wrong.

We want all Canadians to know with absolute confidence that their elections are fair, that their democratic voice will be heard on election day. Members of this chamber travel the world to help uphold basic principles of democracy. When so many of our citizens are writing to us, begging for us to slow down the process — to make sure that the Fair Elections Act is just that: a fair elections act — how can anyone here turn away?

We are the chamber of sober second thought. Our fundamental job, our *raison d'être*, is to review legislation received from the other place in the form in which it is ultimately passed by that

chamber. We don't study bills concurrently; that would defeat the whole purpose.

This bill has been universally criticized. The government has sent mixed signals as to whether or not it will accept amendments. If the bill that we ultimately receive is significantly different than the one we're asked to study — and the overwhelming view of Canadians would seem to demand that it be significantly different — one must wonder why we should study the bill in its current form now.

Nevertheless, the government is encouraging us to conduct this pre-study on the basis that it is truly open to our suggestions for improvements. Colleagues, we all know that with their majority, the government will get the pre-study they want.

On our side, we will take them at their word. Although we oppose pre-study, we will participate in what we trust will be a serious, thoughtful and thorough committee study. We will trust that we will be able to ensure that those witnesses who wish to be heard can be heard.

I hope the steering committee will seriously consider travelling to enable Canadians to express their views on this bill, which strikes at the heart of every Canadian's most fundamental democratic right.

At the end of the pre-study, we trust that the committee will produce a report that fairly and honestly reflects the evidence that it has heard. We take the government at its word when it says that it will listen to suggestions that we make. That, of course, is the whole point of the exercise.

Finally, I hope that none of this will in any way be taken as a reason to cut short our study of the bill which is actually passed by the other place, when we are called upon to exercise our role of sober second thought.

Colleagues, it has been said that the Senate is in a unique position to examine this bill since our members have no vested interest in its provisions. I take that point. It is, of course, one of the reasons this chamber has always taken seriously its role to review amendments to the Elections Act put forward in years and decades past.

I oppose this motion. Fundamentally, I do not believe that it is an appropriate or necessary case for us to step outside our traditional role of sober second thought.

But if the majority in this place decides that we should conduct this pre-study, then let us agree to do so with the best care and attention that this bill, on that most critical of Canadian rights, the right to vote in a fair election, deserves.

Nothing is more critical to the proper functioning of our democracy. Let us not lose sight of that.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I want to stress that what we are doing today is of historical importance. We are doing something that has never been done by the Senate. Never.

The government majority will be imposing time allocation on a pre-study. That's never been done, and I have not heard a single reason advanced for why it should be done now. But let me suggest to you, colleagues, that this is a serious and bad precedent that we are setting. It is an undemocratic procedural move to rush the passage of a bill that will affect Canadians' most profound rights, and may indeed even be counter to some of those rights as enunciated in the Charter of Rights.

I think it is not an exaggeration to suggest that one might seriously consider this a lunatic move.

Pre-study in itself can be a useful tool and on many occasions, hundreds of occasions, the Senate has conducted pre-studies. Usually there is a good reason. There may be some kind of an external deadline, such as when the fiscal year is coming to an end and the other place, as is its habit, sends us legislation very, very late, and we need to rush its consideration here. There may be some other form of urgency. Many of us will recall the pre-study that was done in this place when the Anti-terrorism Act was first being considered and there was a worldwide sense of urgency about such legislation. Our pre-study was serious and thoughtful, and its recommendations were accepted by the government of the day. That's the kind of thing that Senate pre-studies can and should do.

I see no sign and certainly have been given no reason to believe that is what is happening here now. When she gave notice of this time allocation motion, Senator Martin noted, as the rules require, that she had been unable to reach an agreement with the opposition. The phrase "reaching an agreement" would imply consultations, indeed even negotiations, with the other party. It suggests that there has been an effort to communicate the government's position, to listen to the concerns of the other side, to compromise or to offer suitable assurances in order to secure the opposition's consent to proceed. Such assurances might cover, for example, the notion that the government of the day would actually be open to amendments of the legislation as a result of the pre-study, or that it would be open to travel. We received no such assurances.

I want to say that this is not a personal commentary on Senator Martin, who does a diligent and professional job —

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

**Senator Fraser:** — in what I think are sometimes difficult circumstances, as indeed the circumstances can be difficult for us.

There is so much that we don't know. First, what is the urgency here? Where is the urgency? We learned from reading the press that the Leader of the Government has suggested that some elements of this bill need to be passed by the end of June, I think he said. Which ones? Why? We don't know. We haven't been told. Maybe there's a good reason, but we have not been given any sign of it.

• (1450)

**Senator Cordy:** So much for consultation.

**Senator Fraser:** What's the deadline going to be for this pre-study? There is none in the main motion to conduct the pre-study. So we have to rush up the motion to conduct the pre-study, but who knows how long that will take.

However, I note that Senator Runciman's motion in amendment does suggest a possible rush for the pre-study, too, in that it suggests that the Legal and Constitutional Affairs Committee would sit while the Senate is sitting or adjourned. That's usually done only when there is pressure to achieve a rapid committee result.

**Senator D. Smith:** This is pressure.

**Senator Fraser:** As the Leader of the Opposition has just suggested, what exactly are they going to be studying? We don't know what's going to be coming to us from the House of Commons. I would gather, from listening on the weekend to various interviews with the minister in charge, Mr. Poilievre, that the bill will be stuck in the House of Commons committee for the next month. Is it still going to be the same bill when it gets out? If not, why are we doing the pre-study?

What about travel? Senator Carignan has said more than once in this place that there's no need for the pre-study committee to travel. Yesterday, Senator Runciman suggested that it might be possible to travel "when indeed the bill is before this chamber." That's what it says in the *Debates of the Senate*. The bill, not the pre-study. If we can't travel, which is one of the more persuasive reasons we might have for doing this pre-study, then what's the urgency in doing the pre-study? I don't get it.

Will the government be open to amendments? Oh, my, oh, my. Senator Runciman, another senator on the other side for whom I have great respect, suggested yesterday that this is a real opportunity to help to change perceptions, "to get in at the formative stage" of the bill's passage through Parliament. And would that it were true. As I suggested earlier, that fundamental approach is one of the best reasons there can be for doing a pre-study of a bill in the Senate.

Some — not many, but some — news reports today suggested that Mr. Poilievre had suggested to the caucus of my friends across the aisle that he might be open to some amendments. But that is certainly not what any member of the government suggests publicly; neither the Prime Minister nor the minister has given any indication at all that they consider that their bill might be in any way improvable. Quite the contrary.

I would quote from the Leader of the Government in the Senate, as reported in this morning's *The Globe and Mail*. He apparently dismissed the concerns of experts, including the 160 experts who have been referred to by both Senator Cowan and Senator Campbell. Senator Carignan is quoted as having said:

I don't think the comments from the experts are appropriate . . . . I understand the bill very well and I think it is a very good bill.

Well, that settles that. Why would we need to do a pre-study? Above all, why would we need to impose time allocation on a motion to do a pre-study?

A pre-study is supposed to be a reflective, collective effort to get to the bottom of complex legislation. If we had any indication that this really would happen and would have any impact on the actual bill, then we on this side might be more open to the concept, at least of the pre-study, though certainly not of time allocation on it.

In his remarkable series of inquiries on the Senate, Senator Nolin, on January 30, quoted from Sir John A. Macdonald. When he was talking about the formation of the Parliament of Canada, Macdonald said:

We will enjoy here that which is the great test of constitutional freedom — we will have the rights of the minority respected.

Senator Nolin went on to explain that the minority that Macdonald was referring to was the political opposition. Senator Nolin wisely concluded:

Only in a parliamentary system must the majority refrain from ignoring or suppressing the complaints and interests of the political opposition.

“Political opposition” in the case of this bill runs from coast to coast; it is not confined to Parliament Hill.

Deep down, I would prefer not to be cynical —

**Hon. Ghislain Maltais (Acting Speaker):** Do you wish to ask for more time, Senator Fraser?

**Senator Fraser:** Less than one minute.

**Hon. Senators:** Agreed.

**Senator Fraser:** Thank you.

Deep down, I would prefer not to be cynical about this and to be pleasantly surprised by the way events unroll. I really would prefer that. This is so important. We need to do it properly.

As a gesture of good faith, I suggest that the government drop this time allocation motion and allow the debate on the pre-study motion to occur without such a heavy hand. Let us have a real discussion about the real issues confronting us, and then maybe we could come to a mutual understanding and a suitable compromise.

[Translation]

**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; provincial governments officials; 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?

[ Senator Tardif ]

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.

**Hon. Jane Cordy:** Honourable senators, here we go again: another highly controversial and contentious government bill forced through Parliament by this government in an attempt to avoid proper public scrutiny. Unfortunately, complete disregard for the institution of Parliament and continued efforts to undermine the work of the Senate have become business as usual with this government. All too often, the Deputy Leader of the Government in the Senate is on her feet moving time allocation motions to further limit the ability of the Senate to properly carry out its job as intended. That is sober second thought.

On the contrary, this government seems to operate with the belief that the less thought, the less discussion, the less consultation and the more times we have time allocation, the better it is for government legislation. Unfortunately, this way of doing business is not better for democracy. For the first time in history, we have time allocation on a pre-study.

Bill C-23, the proposed fair elections act, is the latest government legislation being rammed through the Senate. The bill is opposed in Canada by many Canadians. Almost every expert on the subject has publicly advised that this is bad legislation and it needs amendments to make it the right thing for Canadians.

Now we are told we will have to study Bill C-23 before it even passes through the other place. The Minister of Democratic Reform is saying that the bill may be amended. How are we to evaluate these amendments with expert advice if we are pre-studying the bill before it has passed the other place? The whole process shows contempt for this institution and is a serious disservice to Canadians. We are supposed to be the chamber of sober second thought. Why is this bill being rammed through the Senate? Why do we have time allocation motions when the next election will be in the fall of 2015? Why the big rush? Is Mr. Harper planning on breaking the fixed election day law and having an election perhaps this fall?

**Senator D. Smith:** Which he passed.

**Senator Cordy:** Which he passed; that's correct.

Honourable senators, if I believed a pre-study would make a difference, I would be the first in line to promote it; but I do not believe that it would make a difference. If I believed that the voices of Canadians would be listened to in a pre-study, I would be first in line to promote the pre-study; but I don't believe that a pre-study would do this. If I believed that the committee doing the



pre-study would use the time to travel to the regions of Canada to let Canadians talk to them, I would promote the pre-study; but in light of Senator Carignan's comments to me last Thursday, I do not believe that this will happen.

If I believed that the committee would travel to the regions, I would certainly agree to this pre-study. If I believed that the majority on the committee would come back to the Senate with suggested changes or amendments to this bill as proposed by experts in Canada and by the current Chief Electoral Officer and former Chief Electoral Officer, I would agree to the pre-study. Unfortunately, I hold little hope that this will happen.

• (1510)

I have great respect for the studies that Senate committees have undertaken. As a member of the Standing Committee on Internal Economy, Budgets, and Administration that deals with budgets for committees, I'm always impressed by the variety of studies that are being done and being brought forward to our subcommittee.

The Agriculture Committee is doing an excellent study on bees, their importance to the agricultural community and the challenges that are faced when the bee population decreases.

The Fisheries Committee is doing an excellent study on aquaculture, and they are looking at the processes and regulatory regimes in Canada. They also hope to examine what other places, like Norway and Scotland, who have very successful aquaculture industries, are doing and they hope that these best practices could be used by the industry in Canada.

We know that the Transport and Communications Committee is doing a study on the CBC, which is of great interest to many Canadians.

The Energy Committee continues to do outstanding work, and their reports strike an excellent balance between industry and the environment.

The Social Affairs Committee, of which I am a member, has done a study on mental health and mental illness, which is still recognized and referred to by experts in Canada. The Social Affairs Committee has also done studies on autism, and today we had members of the autism community in our gallery. We now have a National Autism Awareness Day, thanks to the hard work of Senator Munson. We have done studies on poverty and clinical trials. We are currently studying the adverse effects of pharmaceutical drugs.

These are some of the excellent reports done by committees that demonstrate the outstanding work by committees, and senators should be proud of their work.

Unfortunately, when it comes to government legislation, we far too often see legislation with major flaws being pushed through committees without any amendments. For a while, our Social

Affairs Committee wouldn't even allow observations to be included as an appendix to our reports on government bills.

Omnibus bills come to mind when I think of bills being pushed through. Bill C-38, for example, contained 452 pages, with over 700 provisions. Yet, there was time allocation for that bill, and it was pushed through the committee.

Honourable senators, we are supposed to be the chamber of sober second thought. When I am asked, quite often, what I believe are the most important responsibilities of the Senate, I say that we should be the chamber of sober second thought. I also say that we must represent our province and our region in the chamber.

Honourable senators, I have received countless emails and letters on Bill C-23. I've also spoken to many people from my province of Nova Scotia about this bill, this so-called fair elections bill. Canadians and the people in my province of Nova Scotia have great concerns about Bill C-23 and how it will affect democracy in our country. These concerns expressed by the people of Nova Scotia and by Canadians should be examined closely by the Senate of Canada. It is our responsibility.

If, as Sir John A. Macdonald stated, we are the chamber of sober second thought, if we are here to represent our regions, and if we are here to represent minorities and those who need a voice, then we should be examining Bill C-23 carefully. Instead, honourable senators, we are being asked, yet again, to fast-track the study of a bill. It is becoming routine that Senator Martin is rising, on behalf of the government, to bring forward a time allocation motion on the discussion of the government's motion for pre-study of Bill C-23.

We have a time allocation motion on a pre-study motion. It seems to me that pre-studies should be used sparingly, but pre-studies are also becoming the norm with this government. I believe that time allocation motions should also be used sparingly, but, yet again, time allocations are becoming the norm with this government. It seems that Senator Martin is rising weekly to bring forward a time allocation motion. That is unfortunate when we are supposedly the chamber of sober second thought. That is unfortunate when we are supposedly representing the people of our region. That is unfortunate when we are supposed to represent Canadians. Yet, once again, we have time allocation on a government motion. Yet, once again, we have the Conservative government doing everything in its power to fast-track legislation.

If this was good legislation, if a pre-study would lead to changes, then there would be no need to have time allocation. Unfortunately, it appears that time allocation is being used to silence the voices of Canadians. It is being used to silence the voices of the people of my province of Nova Scotia. The time allocation is being used to silence the voices of the many experts. May I have five minutes, please?

**Some Hon. Senators:** No.

**Senator Cordy:** The time allocation is being used to silence the voices of the many experts who have spoken —

[Translation]

**The Hon. the Acting Speaker:** I'm sorry, but the honourable senator's time is up.

[English]

Your time is finished.

**Senator Cordy:** May I have five more minutes?

[Translation]

**The Hon. the Acting Speaker:** Unfortunately, your time is up.

[English]

**Senator Cordy:** I can have five more minutes?

**Some Hon. Senators:** No.

**An Hon. Senator:** But they agreed.

**Senator Cordy:** I can have five minutes. Thank you.

**The Hon. the Acting Speaker:** No, your time is finished. You have just 10 minutes. Your 10 minutes has passed. I'm sorry.

**Senator Cordy:** Could I have one minute? Senator Fraser had one minute.

**An Hon. Senator:** No!

[Translation]

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to give Senator Cordy one more minute?

**Hon. Senators:** Agreed.

**The Hon. the Acting Speaker:** Senator Cordy, you have one minute.

[English]

**Senator Cordy:** You are very kind, Your Honour. Thank you.

Historically, election bills get thoroughly vetted and consensus is reached among all parties. This is the way it has been, and this consultation and agreement by all political parties should be the way it is done. In fact, there wasn't even consultation for this bill with the Chief Electoral Officer, Mr. Mayrand.

As Senator Cowan said in his speech, it is ironic that an elections bill, Bill C-23, a bill dealing with voting and democracy, is before us, and we have a time allocation motion to deal with a

bill on democracy. This motion is without precedent. No government has brought forward a closure motion on a pre-study motion. There is a reason for this; it is because it is wrong.

**The Hon. the Acting Speaker:** On debate, the Honourable Senator Moore, for 10 minutes.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to add my comments to those of my colleagues.

What we have before us is a government that has, in Bill C-23, a bill that meddles in affairs that should be kept far away from political motivation. The significance of the fact that we are here debating time allocation regarding a bill that affects change to our very rules of democracy should not be lost on anyone. For a government to resort to such a tactic on a pre-study speaks volumes. Limiting debate on such an issue does not do this chamber any good whatsoever.

Indeed, the government refers to the criticism this chamber has endured, over the past years, as being an ineffective body. I quote Senator Runciman, from yesterday's Hansard, when he said:

When you consider the criticism this institution has weathered, over the past year or more, as being an ineffective body, having no real impact on legislation, this is a real opportunity to help to change perceptions, to get in at the formative stage. The opposition, it appears, instead of taking advantage of this opportunity, chooses to, unfortunately, play political games . . .

• (1520)

I would remind all senators, especially those on the other side, that its leader, Prime Minister Harper, since 2006 has gone out of his way to abuse this chamber at every opportunity, continuing the attacks by his predecessors, Messrs. Day and Manning.

In fact, if you will recall, in 2006, on his first official international trip, he couldn't help himself and on the floor of the House of Commons in Australia he attacked the Canadian Senate: a little man.

As an aside, it also points out the importance of the fact that this chamber does not have a spokesperson. Had we elected our Speaker, we would have somebody to stand up and represent everybody here and push back those kinds of comments and talk with authority about the good work done in this chamber, and we would not have to stand back without a spokesperson and let these people get away with cheap shots.

Conducting a pre-study on a government bill will not curry public favour. Doing our jobs, thoroughly debating the issues, is what will make a difference and get respect. Now, perhaps — I don't know — the government will bring in amendments. We've heard the minister musing that this might happen and, until it does, the talk about a pre-study is moot. This should not be going ahead because we don't even know what we're talking about.

Surely the government is contemplating changes to the legislation in light of the overwhelming and almost unanimous opposition to this bill from those who have spoken out about it.

My colleagues have mentioned many of those parties, including former chief electoral officers, elections experts, academics from home and abroad, democracy groups and concerned citizens. We need to see this bill in final form before we can discuss what its implications are; or, if the Leader of the Government in the Senate can confirm that this bill in its current form is indeed what will emerge from the other place, then we'll deal with it. But we don't have that confirmation. Maybe he can assure us that, in concert with his colleagues in the other place, he can let us know what the final product is.

As I mentioned earlier, I don't see how we can be talking about a pre-study of a document that we haven't seen in its final form, the final form of which has not been decided in the other place. Maybe the leader can assure us also that the committee report will include all evidence and testimony, including that of witnesses who do not agree with the bill. Or is there to be just another majority report silencing those who speak out against this bill?

I want to finish by quoting a piece from an article that appeared in yesterday's *Globe and Mail* newspaper:

The Conservative government is attempting to rewrite the fundamental law of our democratic system, against the will of the opposition, the experts, the non-partisan body in charge of elections, and the facts. What's the government got in response? Willpower . . .

. . . Why? Because.

Because it can. This is the atypical tyranny of the majority. Let us all vote against this motion. I certainly intend to.

**Hon. Catherine S. Callbeck:** Honourable senators, I want to say a few words this afternoon about this motion and express my disappointment in it.

It's really hard to believe that with a topic as serious as this one this government would try to curtail debate. I think that amendments to the Canada Elections Act, changes to our very democracy, should never be rushed. As senators, we must be able to take the time and study all legislation.

Every time we have one of these allocation debates, I find myself asking, "Why are the Senate and Canadians being denied healthy debate on an increasingly important topic?" In this case, I'm also asking, "What is the urgency in this motion?" No reason has been given; at least I have never heard a reason given by the government.

**Senator Mercer:** They get an order from across the street!

**Senator Callbeck:** If the government truly believes in the measures it is proposing, it would welcome open and honest debate, both here and in the other place. Time after time, we end up with time allocation motions that limit debate on a number of bills, and here we are today with time allocation on pre-study. I heard the deputy leader on this side say that this is the first time it has ever happened in the history of the Senate.

I really fail to see the drawback to allowing senators and members the time to speak their minds, to share their concerns about legislation and issues. I also hope that when this legislation does come to the Senate, the committee will be allowed to travel and hear from Canadians, because I think Canadians are truly concerned about this legislation. I know I've got dozens, maybe hundreds, of emails from people all across the country, and there is widespread opposition to much of the content and as well to the way the government is rushing this through.

I want to quote a letter from one couple in Owen Sound, Ontario. They wrote:

The fair elections act is being rushed through without Canadian citizens realizing the full implications except as described by the Harper Conservative government. This is a Canadian issue, not a party issue and must be understood by all voters. The details are important.

They close their letter by saying:

It is now up to the Senate to prove their worth and not merely be an echo of the party in power. Please review this proposed legislation and give Canadians a reason to go out to the polls with confidence in a truly democratic electoral system.

That's the end of their letter, but here we are today with the Conservative government once again trying to limit debate and, most shockingly, invoking closure on a motion to do a committee pre-study. What the government is doing is really shutting down debate before the legislation has actually ever been referred to the Senate. As I said, the government has never given a reason for doing this pre-study, and it is the first time it's ever happened in the history of this chamber.

**Senator Moore:** Shame.

**Senator Callbeck:** I'm very disappointed that the government is acting in this way, and I can't understand it. I don't know any reason why the government is doing this, and I certainly will be voting against the motion.

[Translation]

**The Hon. the Acting Speaker:** If there are no other speakers, the debate is over. Are honourable senators ready for the question?

**Hon. Senators:** Yes.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Acting Speaker:** Will those honourable senators in favour of the motion please say “yea”?

**Some Hon. Senators:** Yea.

**The Hon. the Acting Speaker:** Will those honourable senators who are opposed to the motion please say “nay”?

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Acting Speaker:** Call in the senators. The bells will ring for one hour.

• (1630)

[English]

Motion adopted on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Buth  
Carignan  
Champagne  
Dagenais  
Demers  
Doyle  
Eaton  
Enverga  
Fortin-Duplessis  
Frum

Marshall  
Martin  
McInnis  
McIntyre  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Raine  
Rivard  
Runciman  
Seidman  
Seth

Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning

Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Tkachuk  
Unger  
Verner  
Wallace  
Wells  
White—52

#### NAYS THE HONOURABLE SENATORS

Callbeck  
Campbell  
Charette-Poulin  
Cordy  
Cowan  
Dallaire  
Dawson  
Day  
Downe  
Dyck  
Eggleton  
Fraser  
Furey  
Hervieux-Payette

Hubley  
Lovelace Nicholas  
Massicotte  
McCoy  
Mercer  
Merchant  
Moore  
Munson  
Rivest  
Robichaud  
Sibbeston  
Smith (*Cobourg*)  
Tardif—27

#### ABSTENTIONS THE HONOURABLE SENATORS

Nolin—1

**The Hon. the Speaker:** Honourable senators, the Senate has now completed the proceedings on the time allocation order and, pursuant to the order adopted by the Senate on Thursday, February 6, 2014, I declare the Senate continued until Thursday, April 3, 2014, at 1:30 p.m.

(The Senate adjourned until Thursday, April 3, 2014, at 1:30 p.m.)

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