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OFFICIAL REPORT
(HANSARD)

Monday, April 7, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Monday, April 7, 2014

The Senate met at 4 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TARTAN DAY

Hon. Elizabeth Hubley: Honourable senators, I am very pleased to rise today to recognize Tartan Day. This day, which is marked on April 6 across the country, celebrates Scottish heritage.

April 6 was chosen as the date as it is the anniversary of the signing of the Declaration of Arbroath in 1320, which is the Scottish declaration of independence.

I am proudly of Scottish descent and welcome the opportunity to celebrate this day and honour the many roles Scots have played in our country's history — in politics, medicine, justice, education, sports, science and business, to name a few. As well, this day allows Scots to present to the world a vibrant culture of language, music, dance and cuisine.

In 1992, I had the honour and privilege of standing in the Legislative Assembly of Prince Edward Island and seconding the motion of the honourable member from 4th Kings, Mr. Stanley Bruce, declaring April 6 as Tartan Day in our province.

The concept of Tartan Day began in Nova Scotia in 1986 and was officially proclaimed in the Nova Scotia legislature on April 6, 1987. Since then, every provincial assembly, as well as the federal House of Commons, has proclaimed April 6 as Tartan Day. On March 9, 2011, the House of Commons declared the maple leaf tartan, designed by well-known Canadian David Weiser, the official tartan of Canada.

The name Tartan Day was chosen to promote Scottish heritage by the most visible means — the wearing of Scottish attire, especially in places where the kilt is not ordinarily worn.

Scots wear their tartans with pride, as symbols of who they are as a people. On Tartan Day, celebrations are held across the country with pipe bands, highland dancing and other Scottish-themed events. A celebration will be held on Parliament Hill on Sunday, April 13, at 12 noon, where people can enjoy pipers, drummers and highland dancing.

I look forward to celebrating Tartan Day on Prince Edward Island with many fellow Scots, and I hope that you will also have an opportunity to join in Tartan Day celebrations.

[*Translation*]

VICTIMS OF CRIME AWARENESS WEEK

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today with a great deal of emotion and pride to say that today is the start of the 9th National Victims of Crime Awareness week. This year's theme is "Taking Action."

This week was created in 2006 to give victims of crime an opportunity to speak out and share their painful experiences in the justice system. They also share their expectations for better support throughout their psychological and emotional healing process.

[*English*]

The annual National Victims of Crime Awareness Week allows us to better understand the lives and experiences of thousands of people who, each year in Canada, do not choose to become victims but are chosen to receive this heavy burden by their aggressor.

[*Translation*]

What is even more unacceptable is that victims still have to pay the majority of the costs associated with the consequences of the crime, such as lost wages and legal and medical costs. These costs represent 80 per cent of the total cost of crime, which is nearly $30 billion a year.

National Victims of Crime Awareness Week also gives hundreds of volunteer organizations the opportunity to take action to help victims, thanks to the financial support provided by the Department of Justice. Hundreds of awareness activities are held across Canada to give a voice to victims, so that they can take action.

[*English*]

That is why it's imperative that we help victims more generously and, more important, that we include them in our justice system.

[*Translation*]

Last Thursday, I had the honour to join Prime Minister Stephen Harper, Minister Peter MacKay and Minister Steven Blaney in Toronto when they announced the introduction of Bill C-32, the Victims Bill of Rights Act.

This bill is more than just a symbolic gesture. The government is announcing concrete measures to recognize the victims of our justice system. From now on, victims will no longer just be

spectators; they will play an active role in that system. This will ensure that victims' rights are given the same recognition as the rights of criminals.

From now on, victims will be able to demand enhanced rights to information, protection, restitution and participation in the justice system. These basic rights should have been included in the Canadian Charter of Rights and Freedoms in 1982. The Victims Bill of Rights will correct this deficiency that has existed for too long. These rights will soon be enshrined in legislation that will protect them forever.

For the past 10 years, I've been fighting for recognition of victims' rights. I have personally supported hundreds of families of murder victims through the maze of the justice system, a system that focuses on the murderer. Since 2010, when I was appointed to the Senate, hundreds of victims from all walks of life have contacted our offices to ask for help because all of the other doors they knocked on were closed. In most cases, these victims have not received any help, nor have they been referred to appropriate support.

What messages does our justice system send? We tell criminals, "You have the right to a lawyer and you have the right to remain silent." We tell victims, "Keep quiet or you'll get in the way of justice."

Honourable senators, join me in acknowledging the hundreds and thousands of victims of crime who have to deal with our system every year. Three cheers for the Victims Bill of Rights!

Thank you.

[*English*]

RWANDAN GENOCIDE

TWENTIETH ANNIVERSARY

Hon. Joseph A. Day: Honourable senators, today we mark the twenty-year anniversary of the genocide of the Tutsis in Rwanda.

Between April and July 1994, over 800,000 innocent Rwandan men, women and children were horrifically murdered. As our esteemed colleague General Dallaire wrote, much to our shame, "The developed world, impassive and apparently unperturbed, sat back and watched the unfolding apocalypse."

As we remember this anniversary, we stand with the survivors who bear the burden of these memories, and we celebrate their courage and that of those who stood with them in their darkest hour.

Your Honour, I know you had the pleasure of meeting today with members of the Canadian Armed Forces who served with General Dallaire in the UN mission in Rwanda at the time of the genocide.

We honour the sacrifice and service of these men and those UN soldiers who served with them under the command of General Dallaire. These soldiers still struggle with the scale of the inhumanity they witnessed while in Rwanda. They bear this burden for the thousands they were able to save by just being there.

• (1610)

In these 20 years, what have we learned? And what must we do? In the past when the world has required leadership to confront similar horrors, Canadians from across the land have answered the call. In 1946, John Peters Humphrey drafted the Universal Declaration of Human Rights following the horrors unleashed by World War II. Prime Minister Lester B. Pearson served as a champion of multilateralism and in 1957 gave the world the notion of peacekeeping. We also are aware of the international concept of the responsibility to protect that came through Canadian efforts.

Through them and many others, our country has enjoyed a proud legacy as a world leader in these areas. The vital role that we are equipped to play is still needed on the world stage today, honourable senators.

Civil war in Syria has already killed an estimated 150,000 people. Millions have been displaced in the Sudan. The embers in Darfur threaten to reignite ethnic cleansing yet again.

As we sit in this chamber, convoys of women and children looking to escape the Central African Republic are being hacked to death by the militia, a conflict that has thus far claimed the lives of thousands and displaced millions. The UN fears the death toll could rise dramatically as mass graves are uncovered. The ethno-religious undertones of this conflict should be setting off alarm bells throughout the international community. We have seen it all before, after all.

There is a plan for peacekeepers, but the international community has thus far been too slow to act. Rwanda taught us all how much slaughter can occur in such a short period of time.

The twentieth commemoration anniversary should be a moment during which we honour the victims and survivors. However, honouring them doesn't only mean remembering them and the history; honouring them doesn't only mean reiterating our "never again" promise.

This terrible memory must be invoked when confronting the evils of today. If we are to do justice to the 800,000 lives that were lost so violently, cut short 20 years ago, the world needs leadership. The world needs Canada. The world needs more General Dallaires.

THE RIGHT HONOURABLE JOHN GEORGE DIEFENBAKER, P.C.

Hon. Marjory LeBreton: Honourable senators, recently the Honourable John Baird paid tribute to Canada's thirteenth prime minister, John George Diefenbaker.

Minister Baird drew some comparisons, even though the world has changed significantly. Back then the world was going through tumultuous times: the Cold War, the nuclear threat and economic instability.

The tribute to Mr. Diefenbaker was indeed merited. Predictably, a charter member of the Liberal media elite, Andrew Cohen, and others who know nothing about Mr. Diefenbaker, such as Don Martin, waded in with their knee-jerk reactions. Don Martin, in a short hit on CTV, said, "That is just crazy talk. They..." — whoever "they" are — obviously the people around Ottawa — "... didn't think that Diefenbaker was that great of a policy guy."

Honourable senators, Cohen and Martin would have you believe that Prime Minister Diefenbaker contributed nothing to this country. But there were so many initiatives of the Conservative government — too many for me to list here in a short time. The Canada Health Act was one, and all the Liberals had to do was implement it.

In fact, the Diefenbaker government early in its administration brought in the Hospital Insurance and Diagnostic Services Act, which covered individuals' hospital expenses.

Expo 67 and our centennial celebration had their beginnings in the Diefenbaker government. Liberals simply inherited these well-laid plans. The Trans-Canada Highway was completed from coast to coast under Mr. Diefenbaker. All that was left to do was the surfacing on the last few miles in the Rockies. Again, this completed project was opened by Liberal Prime Minister Pearson with a plaque and a cairn.

The House of Commons operated as a unilingual English Chamber with the French-speaking majority of MPs from Quebec not participating in the debates. John Diefenbaker gave Quebec MPs and the voters of Quebec a voice and brought simultaneous translation into Parliament.

Under his watch, our First Nations people attained Canadian citizenship and were granted the right to the vote. He appointed the first woman, Ellen Fairclough, to a Canadian cabinet; the first French Canadian Governor General, Georges Vanier; the first Aboriginal Canadian to the Senate, James Gladstone; and the first Ukrainian to the cabinet, Mike Starr. He brought the West into the Conservative Party — a reality that has been sustained to this day.

Mr. Diefenbaker gave the country the Bill of Rights. There actually are Liberals who acknowledge the significance of John Diefenbaker's Bill of Rights. Tom Axworthy wrote in August 2002:

> Trudeau took Diefenbaker's Bill of Rights one step further by adding critical provisions of his own on language rights...
>
> But this would have never happened if Diefenbaker had not lit the way with his life-long dedication to human rights.

Mr. Diefenbaker demanded and got the Commonwealth to become "colour-blind" and was the first Western leader to stand against Apartheid — a battle Mr. Mulroney concluded.

Honourable senators, the most egregious of all, however, was Mr. Cohen turning to Peter Newman, of all people, whom he describes as Mr. Diefenbaker's "chronicler." Diefenbaker, he said, "was given to anti-Semitism."

Honourable senators, this is so sad, so disgusting and so very wrong. My own strong personal views in support of Israel had their beginnings because of the influence of Mr. Diefenbaker, who was an admirer and friend of David Ben-Gurion. In fact, Mr. Diefenbaker visited and stayed at Ben-Gurion's kibbutz and explained to me in great detail the hard work, dedication, ingenuity and commitment of Jews in Israel.

He would be reduced to tears when discussing the horrors of the Nazi regime in World War II. He consulted regularly two rabbis whom he considered friends: the late Gunther Plaut; and Rabbi David Monson, who officiated at Mr. Diefenbaker's funeral.

He was totally dedicated to all matters of human rights. This is well known to most, if not to Mr. Cohen and Mr. Martin.

Yes, Mr. Cohen, Canada did have an anti-Semitic prime minister; but it was not John George Diefenbaker, it was the Liberal icon Mackenzie King.

Thank you.

NORTHWEST TERRITORIES

DEVOLUTION

Hon. Nick G. Sibbeston: Honourable senators, one week ago, the responsibility for managing lands and resources in the Northwest Territories was transferred from the Government of Canada to the Northwest Territories.

That phenomenon is called "devolution."

Also, it is the completion of the transfer of powers so the Northwest Territories can become fully responsible. This process has happened before in our country; as various areas of our country have matured, they have become provinces.

In the Northwest Territories, the trip towards or the struggle for responsible government has been completed. Now it is just a matter of time before the Northwest Territories eventually becomes a province.

Both Parliament and the legislative assembly passed the necessary laws and brought them into effect in advance of the transfer. By all accounts, the transition was smooth. Almost all the affected employees from Aboriginal Affairs and Northern Development in Yellowknife took up new jobs with the territorial government so that the management of these important programs continued uninterrupted.

In addition, dozens of new employees were hired or are being recruited to carry out the functions that were previously carried out here in Ottawa. Many of these jobs will be filled by young, well-educated northerners.

I'm particularly pleased to tell you that not all of the new jobs are going to be situated in Yellowknife; rather, they will be spread throughout the Northwest Territories including in some of the smaller communities.

In every case of devolution, where responsibilities were moved from the federal government to the territorial governments, services improved and efficiencies were created.

• (1620)

As I've often said, where the federal government could build one house, we could build two houses with the same money: so it will be with the latest transfer.

Devolution went well and is, in general, accepted and welcomed in the North. The changes to the regulatory regime, however, remain controversial. In particular, the amalgamation of regional boards into a single territorial body has angered many people, particularly Native people of the North. Aboriginal groups, including participants in the devolution agreement and process, objected and continue to object to this amalgamation. They believe it violates the spirit of their land claims. Some have threatened to sue.

Some Aboriginal leaders go even further. The Dene Nation, the umbrella organization that represents all Dene in the North, views the process of devolution itself as illegitimate. Despite the fact that some of their constituent parts are participants, they argue that the transfer of authorities violates treaties 8 and 11, which they signed with the Crown many years ago.

The President of the Dene Nation, Bill Erasmus, wrote to the Queen and the Governor General to halt the process of Royal Assent, but they declined.

The basis for their objection lies in the *Paulette* case, a significant case in the 1980s which found that these treaties were coexistent or friendship agreements: They did not extinguish Aboriginal title or give all of the land to the government.

The Dene Nation argues that since the Dene never surrendered their land to Canada, Canada can hardly transfer the management of it to the Government of the Northwest Territories. They, too, have threatened legal action.

The federal government naturally disagrees and is confident the agreement as well as the board amalgamation will survive legal challenges, yet it is clear that the process was clumsy and failed to build true consensus. The federal government believed that they could do something, so as usual they went ahead and did it. Meanwhile, some people who should be celebrating are left feeling betrayed.

So while I say the devolution part of it has been very good, the regulatory regime set up by the same bill has not been accepted very well in the North.

ROUTINE PROCEEDINGS

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO FEDERAL REPUBLIC OF GERMANY, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND STATE OF QATAR—REPORT TABLED

The Hon. the Speaker: Honourable senators, I ask leave of the Senate to table a document entitled: "Visit of the Honourable Noël A. Kinsella, Speaker of the Senate, and a Parliamentary Delegation to Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland and State of Qatar," February 17 to 24, 2012.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

FISHERIES AND OCEANS

BUDGET—STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY—FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Monday, April 7, 2014

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Monday, December 9, 2013, to examine and report on the regulation of aquaculture, current challenges and future prospects for the industry in Canada, respectfully requests funds for the fiscal year ending March 31, 2015.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee, recommending a partial release of $263,645, are appended to this report.

Respectfully submitted,

FABIAN MANNING
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix, p. 695.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Manning, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-501, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

(Bill read first time.)

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

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

[*English*]

QUESTION PERIOD

DEMOCRATIC REFORM

FAIR ELECTIONS BILL

Hon. Terry M. Mercer: Honourable senators, today I have a question from a concerned Canadian who wrote to the Senate Liberal caucus. The question comes from Denis Falvey of Rose Bay, Nova Scotia. That's near Riverport, I believe, in Lunenburg County. For those of you who don't know, it's quite a beautiful part of Nova Scotia.

Denis would like to ask the Leader of the Government in the Senate the following:

> In the last Canadian federal election, a majority government was elected on the basis of support from less than 24 per cent of the electorate with 40 per cent of the electorate not voting. Using the latest StatsCan figures, the average MP in Canada 'represents' over 78,000 eligible voters. As a result, the power of the average MP is to "represent their political party to the riding", and not to "represent their riding to Parliament" on any substantive issue. Correcting these problems in a way that empowers voters requires better forms of election and greater representation. Why does the Fair Elections Act not deal with the 'rot' at the core of our democracy - which is the failure of our democracy to be representative of and responsible to the people through adequate, and suitably proportional, representation?

People down on the South Shore know what they're talking about.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Thank you to that Canadian for his question. The Canadian parliamentary system provides for elections in accordance with the British system, meaning that the party that elects the most representatives, or members, is the party that is asked to form government. If I understood the question correctly, you said that the party in power obtained 24 per cent of the vote. I believe that is incorrect.

That is why the system works this way. Our government and our country are based on the British system, which adopted the parliamentary regime. Currently, there is no indication that the system is going to change. The current system allows for the creation of several parties. We can see that in Quebec, where several parties are participating in an election today. The Canadian system is similar in that several parties are represented during elections and can present their views.

• (1630)

An elections act allows that. Bill C-23, the Fair Elections Act, will also improve our democratic system. This bill will ensure that as many Canadians as possible can participate in that system and that the largest possible number of parties can have candidates running for office.

[*English*]

Senator Mercer: The real answer to Denis Falvey is that you do not want to consider his suggestion.

Just as I remarked last week, Canadians are worried about their public institutions and they have ideas for reform. Should it be proportional representation? I don't know the answer to that. However, I do know that we should be dealing with such ideas in this chamber.

I also believe than Canadians from coast to coast are worried about another attack on our democracy: the unfair elections bill. I'm not talking about the hundreds of professors, scholars and experts in the field, or even our former auditor general. I'm talking about Canadians from all walks of life and they are worried about this bill — Canadians like Rachel Lankester from Surrey, British Columbia, who took on the Senate Liberal Caucus challenge by asking:

> How is it possible that a government, that won a "majority" with only 23.79 per cent of all eligible voters in Canada voting for them, ignore the advice of academics,

experts, including law & political experts in Canada and internationally, the Canadian people, and every other political party when it comes to Bill C-23?

There are smart people out there, you know.

[*Translation*]

Senator Carignan: To finish my answer, with regard to proportional representation, three provinces have already held referendums on electoral reform that asked the question about proportional representation and, in all three cases, the Canadians consulted decided to keep the current system. If my answer was not clear enough, I will add that we do not intend to move to a proportional representation voting system.

With respect to the Fair Elections Act, Bill C-23 would make many changes in order to improve the electoral system. It is a worthwhile bill that is currently being studied by the House of Commons, and we hope, with the vote to be held shortly, that it will also be studied by the Senate.

We can discuss the bill in more detail in the days and weeks to come. However, I would like to draw your attention to section 21, which would establish the Chief Electoral Officer's advisory committee as a forum where the parties could meet with the Chief Electoral Officer. The committee could give its advice on issues affecting the enforcement of the law or future amendments to the law.

I hope that the committee that is created will become a tool that is used by the parties to enhance discussion and reach consensus with regard to the enforcement of the Canada Elections Act.

This is something that is already in use. The idea came from the Quebec Election Act, among others, which provides for an advisory committee where the parties can share and discuss issues. As a result, parties are often able to come reach consensus about how the election law should be enforced. Bill C-23 was created with a view to promoting discussion among the parties.

[*English*]

Senator Mercer: Honourable senators, I'm afraid the Conservatives just don't get it.

By the way, the leader talked about the committee that will be formed if Bill C-23 is passed. Don't get too excited about taking credit for this because, when Jean-Pierre Kingsley was Chief Electoral Officer of Canada and I was National Director of the Liberal Party, there was an ad hoc committee of two representatives of every registered political party, similar to the proposal, that met on a regular basis with the Chief Electoral Officer to discuss issues of common interest to help him and Elections Canada understand how political parties operated. The interaction was very worthwhile. There were representatives of all political parties in the room to help solve a good many problems.

Indeed, at that committee, I proposed that they send representatives to visit all political parties, to come to our offices to see how we function. I volunteered my office to be the first. Indeed, they visited all the offices and found out how we used the material. This was already working.

However, in the words of Rachel Lankester, whose question I read, "This is not democracy; this is a mockery of democracy," And I agree with her.

Canadians are paying attention and don't like what they are hearing. Even former Prime Minister Brian Mulroney knew when to back off in the 1980s when he tried to take on seniors. Will Stephen Harper learn to back off when it comes to how we run elections in this country? When will the Conservative government listen to the growing voices of opposition coming from such a broad cross-section of Canadians to fix this bill?

[*Translation*]

Senator Carignan: The more Canadians know about this bill, the more they will realize that it takes into account the concerns raised by individuals, various groups, research organizations, Elections Canada and some parliamentarians. Many of the changes proposed in this bill are important reforms, as is true of every bill introduced by the government. We introduced the Fair Elections Act because we hope that the proposed changes will be adopted, and we encourage parliamentarians to support these important reforms.

Among other things, Bill C-23 implements 38 of the Chief Electoral Officer's recommendations. It provides for a dozen new offences, making it easier for the Commissioner to combat big money. I believe that the provisions on misleading calls and fraudulent voting will be extremely effective.

The Fair Elections Act also protects voters by creating 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.

I think that the more Canadians know about the bill and the provisions it contains, the more they will support it. It is also our role as parliamentarians to share that information with the public, rather than fearmongering, which does not contribute to a fair reform of our electoral system.

[*English*]

Senator Mercer: Subsection 18(1) of the Canada Elections Act authorizes the Chief Electoral Officer to "implement public education and information programs to make the electoral process better known... " particularly for disadvantaged groups. In particular, subsection 18(1) provides that these programs be aimed at "persons or groups most likely to experience difficulties in exercising democratic rights."

The changes proposed to subsection 18(1) would provide that the Chief Electoral Officer's power to educate be limited to the electoral process, such as how to vote; how to become a candidate; how to be included on the voters' list; the identification requirements for voting; and measures assisting voters with disabilities.

• (1640)

The reference to persons or groups that are most likely to experience difficulties in exercising their democratic rights is removed from the Canada Elections Act.

Why, Mr. Leader? Why would you do that to the most disadvantaged people? We've got low voter turnout election after election, and this was one opportunity for the Chief Electoral Officer to try to bump the numbers up. Why?

[*Translation*]

Senator Carignan: Thank you, senator, for your question. I see that you have already started the pre-study of the bill. That is good. I hope that you will vote with us when the vote is held at 5:30 p.m. so that we can all work on the pre-study together in the Senate.

As far as your specific question is concerned, I would add that the facts show that Elections Canada's campaigns do not get the desired results. It is time for Elections Canada to get back to basics and for the political parties to get to work. Elections Canada should provide voters with essential information such as where and when to vote and what type of ID they need to bring.

Today I heard an interview with Quebec's chief electoral officer, who was doing that type of promotion and providing people with information on polling station hours and the type of ID they should bring with them; there are five pieces of identification that people can use to identify themselves when they vote.

By the way, when I arrived at the polling station this morning, the deputy returning officer said, "Good morning, Senator Carignan. How are you? May I see your ID, please?" I had to show my ID even though the deputy returning officer knew who I was. The role of the Chief Electoral Officer will not change. He or she will still be responsible for ensuring that voters know where, when and how to vote.

It will be up to the candidates and the parties seeking election to engage and inspire voters and convince them that voting is worthwhile. I think that the parties do a good job of encouraging people to vote and promoting election day as an important time for democracy.

[*English*]

Hon. David P. Smith: I have two supplementary questions, and I will ask them at once. First, in your first answer to Senator Mercer, you referred to how there would be an advisory committee similar to the one that former Auditor General Fraser is on. I'd like some assurance that she would be invited to be on it again, given her skill sets, knowledge, depth and good judgment. Or is it that once you say anything that is not totally supportive of the Conservative Holy Grail on some subject, you have the mark of the beast on your forehead and are restrained from ever serving in that capacity again? I would hope that your government would put her on.

Second, in one of your answers you said, "The more that Canadians know about this..." We have been pressing for a commitment that the committee will hear witnesses in different regions of the country, and you are fighting this tooth and nail. You don't want them to hear that. If you think that Canadians should understand it more, why won't you make a commitment that the committee will travel and hear evidence from different parts of the country?

[*Translation*]

Senator Carignan: Senator, you asked two questions, and both questions distorted reality. Regarding your first question, what is set out in the bill is not an advisory committee made up of former auditors general. It is an advisory committee made up of people who are familiar with elections, who plan elections and who represent the authorized parties. The advisory committee we are talking about is one to which the parties will delegate representatives. It is therefore a completely different tool, and you should support it because it will promote greater discussion regarding the enforcement of the elections act. This will allow the Chief Electoral Officer to understand the situation on the ground. Often, as Senator Mercer said, the Chief Electoral Officer's knowledge of the situation on the ground and the practical aspect of the impact of these decisions on the parties are issues that must be explored. I think this will be appreciated.

What was your second question about again?

[*English*]

Senator D. Smith: Travel.

[*Translation*]

Senator Carignan: Your second question was about travel, yes. You said that we oppose the idea of hearing from Canadians from across the country. That is completely false. If you vote in favour of the pre-study, we could invite people who want to have their say to come here to Ottawa for the hearings. And, as it usually does, the Subcommittee on Agenda and Procedure could suggest people. People could express interest and their names could be added to the list. The Subcommittee on Agenda and Procedure is made up of people from both sides of this chamber. If there is anyone you would like to suggest so that their voices can be heard, we would be pleased to consider them, as is the case with all committees. We are quite open to the idea of hearing the widest possible range of opinions, and this includes people from all regions of the country.

[*English*]

Hon. Grant Mitchell: Honourable senators, I have the privilege of asking a question on behalf of Jennifer Ross of Kitchener, Ontario. She alludes to the strange ambivalence on the part of the Conservative government toward voter fraud. On the one hand, they feel that it is serious enough, through issues like vouching, that they've actually gone to the trouble of dealing with it in a pretty significant piece of legislation. On the other hand, every time allegations of voter fraud have arisen in some court process or some Elections Canada investigation — some official process — the government has gone to lengths and great expense to argue that it has not existed.

Jennifer Ross asks:

> If the Harper government has concluded that the administrative irregularities like those which came to light, for example, during the legal challenges brought about by Borys Wrzesnevskyj in Etobicoke Centre indicate the kind of massive voter fraud that this government feels warrants legislation, why did they fight so hard to say that it didn't?

An Hon. Senator: Stumped.

[*Translation*]

Senator Carignan: It is important for elections and for the Chief Electoral Officer to administer the Canada Elections Act. It is also important for an independent commissioner to carry out the necessary investigations and institute appropriate prosecutions if there are indications of infractions or potential infractions. The bill addresses that and fixes some flaws related to making fraudulent calls and impersonating another person. It also increases penalties. We want to improve the system, and now is not the time for making accusations or gratuitous attacks based on non-existent facts from the past, in an attempt to undermine our strong desire to improve the system.

• (1650)

During the pre-study process, I think that we should consider this bill with very open minds and work together to determine which elements improve the system. There are many such elements; I don't want to list them all. The objective is to make elections as fair as possible.

[*English*]

Senator Mitchell: I will go on with the question from Jennifer Ross: Has the government any information that they could share with us that indicates sufficiently grave voter fraud — through vouching, for example — to warrant legislation? That is on the one hand. Also, if there has been such serious fraud, then why has the government not identified those elections where it occurred and sought out by-elections to rectify the problem?

[*Translation*]

Senator Carignan: In response to the last part of your question, it is specifically for that reason that it is important that the electoral process is not undermined and that Canadians' trust is not undermined by irregularities. As was highlighted in the report that you know so well, 50,000 irregularities were reported in relation to the use of vouching. In a close election, that many irregularities could cast doubt on the election results and, in some cases, could mean that the results would be overturned and people would have to vote again. It is important that Canadians maintain their trust in Canada's electoral system and that we reduce the potential for irregularities as much as possible.

As Senator Fraser said the other day, she herself was the victim of voter fraud when someone voted in her name. That is unacceptable. We cannot allow that to happen, and the law must minimize the potential for this type of situation.

[*English*]

Senator Mitchell: But the irony is that the vast majority of the 50,000 inquiries the leader refers to were associated with robo-calling. So, if the government is now using this as the basis for the need to fix the electoral system, why did they argue so hard that there wasn't voter fraud in the robo-calling case, for example, in the Guelph case and the Election Canada investigation more broadly?

You can't have it both ways. You can't say there's a problem and then, every time it arises in some sort of formal process, you argue that there is no problem.

[*Translation*]

Senator Carignan: As for the robo-calls that you are referring to, a significant part of the bill addresses that concern. How can you accuse us of not taking the issue seriously and not addressing the problem?

Apparently you've already begun your pre-study. I, too, have started to look at the bill as a whole, and I can tell you that if the provisions in the bill as written are passed, they will put an end to that possibility and to attempts to use robo-calls to make fraudulent calls. This bill will also create a CRTC registry. Messages will have to be sent ahead of time and will have to be pre-authorized. There is a whole system to prevent this kind of situation. As for fines, I'm not sure if you realize that the fines have gone up significantly to serve as a deterrent for people who might be tempted to commit this kind of crime.

I hope that you will vote with us at 5:30 p.m. to continue the pre-study that you have started and to follow due process in the Senate. I'm sure that you'll agree with me that this bill will improve things and that you'll find most of the provisions in the bill satisfactory.

I myself am 100 per cent satisfied with the bill. I do not expect you to be, but I think that someone with as much election experience as you will, in large part, appreciate the quality of this bill.

[*English*]

Senator Mitchell: To further the line of Jennifer Ross's question, I'd like to refer to an email I received from a Canadian specialist in parliamentary procedure who has spent 10 years, as he says, working to develop fair election processes in post-conflict states. I will read it:

> After 10 years trying to help post-conflict states set up fair elections, we [Canadians] have been able to persuade all of them that the following are totally contrary to international standards: one, extra hurdles to voting, justified on grounds of virtually non-existent voter fraud; two, a right for the sitting member to name the senior polling official; three, any aspect of elections disputes under the authority of government.

Interestingly enough, all three of these features are included in this government's legislation, even though they are contrary to international standards and even though Canadian supervisors of elections argue adamantly against them all over the world.

How can it be that the government can square doing something in Canada that we're asking developing democracies in the rest of the world never to consider doing?

[*Translation*]

Senator Carignan: If you take a good look at the bill, you'll see similar elements in many Canadian provinces. I think this bill meets Canada's highest democratic standards. As a whole, this bill will enhance Canada's democratic standards. I can tell you that I would be proud to take this bill anywhere in the world and promote it wherever I go.

[*English*]

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. 31, followed by Motion No. 30, followed by all remaining items in the order that they appear on the Order Paper.

CRIMINAL CODE
NATIONAL DEFENCE ACT

ALLOTMENT OF TIME—MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of April 3, 2014, moved:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

She said: Honourable senators, I rise today to speak to the motion for time allocation that states, pursuant to rule 7-2, that not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder). This is an important motion that will ensure that debate at third reading is efficient and effective.

• (1700)

Bill C-14 is an important government bill that will amend the mental disorder regime in the Criminal Code and National Defence Act to ensure that the principal consideration in the decision-making process is the safety of the public and to create a scheme for finding that certain persons who have been found not found criminally responsible on account of mental disorder are designated as high-risk accused. It will also enhance victim safety and the involvement of victims in the regime.

First reading and second reading of Bill C-14 took place in the House of Commons on November 25, 2013. The bill was then referred to the Standing Committee on Justice and Human Rights and was reported back to the house on November 26, 2013.

In the Senate, the bill was reported back to the chamber with no amendment on March 27. At the last sitting, we heard the sponsor, Senator Paul McIntyre, speak about the importance of this bill.

Through ongoing discussions, Senator Fraser and I have not reached full agreement on the need for time allocation on this bill at this stage. As this bill is in the best interest of public safety, particularly to victims and their families, I would encourage all honourable senators to support this motion to ensure a timely debate and adoption of Bill C-14 this week. Thank you.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, there are times — rare times, but there are times — when time allocation ends up being necessary. This, believe me, is not one of those times.

The government informed us some weeks ago that it wanted three things to be done by the time of the Easter break, this week. It wanted C-14 passed, it wanted C-9 passed, and it wanted S-2 sent on to the House of Commons. We made the point that we didn't understand the rush, but the government wanted these bills. After some consideration and discussion, as Senator Martin suggested, we said, "Okay. You'll get your bills."

We have repeated that assurance multiple times. The government has been told again and again that tomorrow afternoon, the critic on this bill, Senator Jaffer, will speak. The government was told multiple times that the Leader of the Opposition in the Senate, Senator Cowan, would also speak this week, in time for the bill to be given third reading and Royal Assent before we leave. These assurances were, I repeat, given multiple times, not only by me but by Senator Cowan, himself.

There is no need at all for time allocation on this bill. For the life of me, I cannot understand why we find ourselves now contemplating time allocation on a bill where assurances have been given repeatedly that the bill will go through.

I think it's a perversion of the parliamentary system to resort as often as the government does, both in this place and the other place, to time allocation. In this case, I think we're doing something not only regrettable but really worrisome here. We are using the guillotine when there is, even from the government's perspective, I suggest to you, no need for it. This is a tool that we

should resort to only very rarely. The Senate is supposed to be a chamber of debate, of sober second thought, and instead we find ourselves more and more often facing these rush orders: Get this through; get that through.

I never did understand why the government was so determined to get those three things done this week. Normally this kind of pressure arises only before the summer break and Christmas break. It's quite unusual to have it arising before the Easter break when we will be back in a couple of weeks, could proceed and do our work in the normal way. But, never mind, that's what it said it wants, so that's what it's going to get.

I truly regret resorting to completely unnecessary time allocation. In the case of this bill, I particularly regret it because it is not just a discourtesy to all senators. It is a discourtesy, in particular, to the Leader of the Opposition in the Senate who has given his solemn word, and the government is just brushing that aside as if it didn't matter.

I am so sad about this. I'm so sad. Colleagues, we shouldn't be doing this. We should not be doing this.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, rule 7-2(1) of the *Rules of the Senate* states:

> At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate.

I hear the Deputy Leader of the Opposition saying that we on this side have never refused to cooperate on passing bills within a certain time frame. Did I understand correctly that you have never refused to cooperate so that a bill is passed within a satisfactory period of time?

Senator Fraser: As far as cooperation is concerned, you are absolutely right, but we have refused to give our consent to formally allocating time under the *Rules of the Senate*. I think the nuance is not insignificant because it has to do with all the traditions of the Senate.

You held this position with distinction for many years, so you know that the job of the leaders on both sides every day is to negotiate and agree on debating a given bill on a given day, and so forth. That is part of our duties. However, the agreement to allocate time under the *Rules of the Senate* is another thing, and it is in that regard that the two sides could not agree. Is my explanation clear enough?

Senator Robichaud: Perhaps the Speaker understood, but I did not. There are two time allocation motions for setting a deadline: one with the consent of the opposition, and another when no agreement could be reached to allocate time. My question is: Did we refuse? I understand that we refused to cooperate to allocate time under rule 7-1(1), but I thought I understood earlier that we had agreed that these bills would be passed before the end of this week. Have I understood correctly?

Senator Fraser: You have understood the thrust of my intervention. However, I remain convinced that, according to the *Rules of the Senate,* we refused to allocate time. You know as well as I do that if time is allocated, once the debate starts, it must continue for a maximum of six hours, without adjournment. It would have been possible, and even desirable, from our point of view, to begin the debate tomorrow and continue it on Wednesday, whereas it would not have been acceptable had we accepted the time allocation motion. In fact, it will not be, because I assume that the government will win the vote.

• (1710)

I had hoped that such would not be the case, but with things being the way they are, the government will win. As a result, the debate will begin and end tomorrow instead of being spread out over two or three days.

I am being even less clear than before.

Senator Robichaud: I am sure that you understand, Mr. Speaker.

The debate will continue for one day and we will begin and end that debate tomorrow. We could have held the debate over two days, but the whole thing would have been finished this week in any case.

Mr. Speaker, I am asking you whether we are abiding by the Rules. If we are not, I do not see how we can work together and follow the process or tradition, which, in this chamber, involves debating bills in a way that enables us to get through the chamber's and the government's agenda at a certain pace. I am not sure how to explain whether the Rules actually apply in this case.

Mr. Speaker, I did not want to ask you this question, but perhaps you can enlighten me.

The Hon. the Speaker: Thank you, senator, for the question. In my opinion, it is always a challenge to be called upon to be both a prophet and a historian. I believe that the current discussion is leading us to rewrite history.

I did not witness the discussion between the honourable deputy leaders on both sides, but the reality is that this motion is before us. From my analysis, we are dealing with direct evidence, but it makes sense, at least from the Deputy Leader of the Government's perspective, that an agreement was not reached within the meaning of the Rules.

According to the Honourable Deputy Leader of the Opposition, they tried to reach an agreement, but were unable to do so.

Without interpreting the current discussion, I find that the motion currently before the Senate is in order.

Senator Robichaud: I respect your decision, Mr. Speaker, but I am now even more confused.

[*English*]

The Hon. the Speaker: Further debate?

Are honourable senators ready for the question?

It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Demers, that, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-14, an Act to amend the Criminal Code and the National Defence Act (mental disorder).

All those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

Senator Fraser: On division.

The Hon. the Speaker: The motion is adopted, on division.

(Motion agreed to, on division.)

FIRST NATIONS ELECTIONS BILL

ALLOTMENT OF TIME—MOTION—DEBATE

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of April 3, 2014, moved:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-9, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

She said: Honourable senators, I rise today once again to speak to this motion, which, in effect, is similar to the last one, but for Bill C-9 instead of C-14.

This is an important motion for this particular bill and with similar reasons in terms of the ongoing discussions, negotiations, consultations that have taken place over the last few weeks.

There are different ways perhaps to articulate what happened. Some of it takes place in confidence with one another, so I will not go into the full details, other than to say that we did our best. I understand what Senator Fraser has said, but there were certain agreements of the past that did not necessarily follow through in this chamber, because during debate, as we —

Senator Cowan: You broke your word.

The Hon. the Speaker: Order.

Honourable senators, pursuant to the order of the house, we will call for the ringing of the bills for the ordered vote that is to take place at 5:30.

• (1730)

CANADA ELECTIONS ACT

BILL TO AMEND—LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Marshall, that the motion, as amended, be adopted:

> That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, introduced in the House of Commons on February 4, 2014, in advance of the said bill coming before the Senate;
>
> That the committee be authorized to sit for the purposes of this study, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;
>
> That the committee be authorized to sit for the purposes of this study, even though the Senate may then be adjourned, with the application of rule 12-18(2) being suspended in relation thereto; and
>
> That, notwithstanding usual practices, the committee be authorized to deposit with the Clerk of the Senate its report on this study if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate.

Motion, as amended, agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Marshall
Ataullahjan	Martin
Batters	McInnis
Beyak	McIntyre
Black	Meredith
Boisvenu	Nancy Ruth
Carignan	Neufeld
Dagenais	Ngo
Demers	Oh
Doyle	Patterson
Eaton	Poirier

Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Lang
LeBreton
MacDonald
Maltais
Manning
Raine
Runciman
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Unger
Verner
Wallace
Wells
White—44

NAYS
THE HONOURABLE SENATORS

Callbeck
Chaput
Charette-Poulin
Cordy
Cowan
Dallaire
Dawson
Day
Eggleton
Fraser
Hervieux-Payette
Hubley
Jaffer
Lovelace Nicholas
Mercer
Merchant
Mitchell
Moore
Munson
Ringuette
Robichaud
Sibbeston
Smith (*Cobourg*)
Tardif—24

ABSTENTIONS
THE HONOURABLE SENATORS

Cools
McCoy
Nolin—3

• (1740)

FIRST NATIONS ELECTIONS BILL

ALLOTMENT OF TIME—MOTION ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Nancy Ruth:
>
> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-9, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, if I may continue debate on Bill C-9 and the need to allocate time for debate at this time, it is an important government bill that will modernize governance provisions outlined in the Indian Act and address glaring gaps by providing First Nations with the tools to manage their affairs effectively and responsibly. The bill strengthens First Nations governance and ensures the transparency of the electoral process, creating strong and accountable government among First Nations.

First reading and second reading of Bill C-9 occurred in the House of Commons on October 29, 2013. The bill was referred to the Standing Senate Committee on Aboriginal Peoples on November 25, 2013, and was reported back on December 10, 2013.

First reading of Bill C-9 occurred in the Senate on December 10, 2013, with second reading on February 27, 2014. The bill was then referred to the Standing Senate Committee on Aboriginal Peoples and reported back on April 1, 2014, without amendment.

As I indicated in our ongoing discussions on this bill, Senator Fraser and I have both commented on and acknowledged the hard work of the sponsor, the critic and the committee in looking at this bill. What we have not reached agreement on is the need for time allocation. On this particular point, our position is that it is still necessary to ensure a timely debate and the adoption of this bill this week. Therefore, I ask all honourable senators to support this motion.

Hon. Terry M. Mercer: Will the honourable senator accept a question?

I'm a little confused. You're hell-bent on jamming these bills through. We've been here for a while, and we deal with bills very efficiently. To my knowledge, no government bills are being held up by this side. Yes, we don't like some of the bills. We know that the tyranny of the majority will push those through, but the imposition of time allocation shows a total disrespect, not for me, not for Senator Hubley, but for this institution. That includes the members opposite.

Did you not read the documents when you were appointed that say this is a chamber of sober second thought where debate happens, where we take proposals put forward by the government, by the opposition or by members here or in the other place? Do you not understand that we're here to debate things? We're not here to rush things through.

Your Honour, some people are suggesting that this race to get these things done is so that Mr. Harper can do as he has done in the past: to break the law again and call an early election. I'm afraid that if he breaks the law this time there might be a very big surprise for him on election night.

I really don't know, Senator Martin; you will have to explain to me if you really understand the process, here. The process is that we debate things in a timely manner. We're not holding anything up, but you're just jamming stuff down our throats and the throats of all your colleagues in your caucus. If I were them, I would be asking questions in tomorrow morning's caucus meeting.

Senator Martin: Senator Mercer, in terms of what this motion is asking, it will place a limit of six hours. That time allows for reasonable debate to take place on this bill, which was returned and reported to the chamber without amendment.

I'm aware that there may not be as many speakers, but that is something left to your caucus to decide. As I said, this is a very important bill. We talked about why it's important, and we believe the time allotted will give sufficient opportunity for people to speak to it. Therefore I ask all honourable senators to support this motion.

Hon. Jane Cordy: When I speak to groups around Nova Scotia and outside of Nova Scotia about what the most important role of the Senate is, I agree with Senator Mercer: I always say that Sir John A. Macdonald got it right that it's sober second thought. That is fundamental in why the Senate was brought forward.

Did Senator Fraser not tell you that this side would not be holding up those bills?

Senator Martin: As I have answered previously, Senator Fraser and I do engage in conversation on a daily basis. On this particular point, we have not agreed on the need for this time allocation. I have indicated before that it is an important bill, and it's one on which we hope to conclude debate in a timely manner. Again, I ask all honourable senators to support this motion.

Senator Cordy: That was not my question. My question was, did Senator Fraser tell you that this side would not hold up these bills?

Senator D. Smith: This one in particular.

Senator Cordy: It should be "yes" or "no."

Senator Martin: I can just simply say that Senator Fraser has given certain assurances. However, we did not agree, in the end, whether that was enough. Therefore we have done our very best.

I have to say, I have great respect for Senator Fraser, for this institution and for all honourable senators. This motion is one that we feel is important, at this time, to ensure the timely conclusion of this debate. It is six hours. I ask all honourable senators to support this motion.

Senator Cordy: We weren't part of these discussions, but could you explain to the chamber why you did not take the word of Senator Fraser?

Senator Martin: I've already said that I have great respect for Senator Fraser. On this point, on this particular motion, we have not agreed. Therefore I am moving it today and I'm asking all senators to support this motion.

Hon. James S. Cowan (Leader of the Opposition): I can't be bothered to ask a question.

Hon. Joan Fraser (Deputy Leader of the Opposition): Here we go again, colleagues. I'm buffaloed. I don't know why the government cannot take "yes" for an answer.

Senator Cordy: Can you tell us what you said, Senator Fraser?

Senator Fraser: As I said in discussion on the previous motion, the government has been assured at more than one level that these bills would be handled this week.

I have learned this week that there is a bit more external, if you will, time pressure once we start committing to deal with these bills in that there is to be a Royal Assent ceremony on Thursday afternoon, and the timing might have been a little tricky there, but that still leaves us Tuesday and Wednesday.

Anyway, we did give solemn assurances that our critic on this bill, Senator Dyck, would speak tomorrow. All senators are honourable, but I know of no honourable senator who is more honourable than Senator Dyck: When she gives her word, she keeps it. She has given her word repeatedly on this matter.

I was perturbed when, before we suspended for the ringing of the bells on the pre-study, Senator Martin referred to deals that have not been kept. We try to keep deals, and I'm not actually aware of deals that we have broken. I am aware of some deals that the government has backed off on, which is, how shall I put this, unfortunate. If there are cases where I have broken my word, I would like somebody to tell me what they are. However, we are where we are, colleagues, and once again we are being asked to accept an absolutely unnecessary motion for time allocation. I repeat: This is a perversion of what the Senate is supposed to be about. We are not supposed to operate this way; and I find it extremely disturbing to be asked to do so.

• (1750)

Senator Cordy: Would you take a question, Senator Fraser?

Senator Fraser: Yes.

Senator Cordy: You said in your speech that you gave your word to the Deputy Leader of the Government in the Senate that these bills would pass this week. You gave the Deputy Leader of the Government in the Senate your word because Senator Dyck gave you her word that she would speak to that bill this week. Is that what I heard?

Senator Fraser: Yes.

Senator Cordy: Why do we have a motion for time allocation? Why is there the need for time allocation if you gave your word that these bills would be dealt with this week?

Senator Fraser: In her remarks on the previous time allocation motion, Senator Martin said that this was to ensure, and I believe I'm quoting her accurately, that the debate was efficient and effective. She also said on this motion and on the other one, I believe, that the debate should be handled in a timely fashion.

My view is that efficiency lies in the eye of the beholder, but only rarely should it be the primary consideration in Senate debate. Effectiveness: I don't think curtailing debate is effective in terms of what we are supposed to do. Timely: Certainly it will be timely, although I don't know what the time pressures are that make these matters so urgent.

Those are the explanations that we have all heard. Senators may agree or not agree with the position that has been put forward; but those are the explanations we have been offered.

Senator Cordy: Does it create a reasonable working environment if you give your word and the person doesn't take you at your word? I'm not talking between the two of you but within the chamber. Someone's word, in my opinion, is extremely important. If one gives their word and it's dismissed, and I'm not talking about two individuals but in general terms, does it provide for a good working environment within the Senate?

Senator Fraser: I thank you for not personalizing this because, as I said before, I have great respect for Senator Martin. She does a difficult job with grace and courtesy; and I'm grateful for that. However, I think you're right in that it is very corrosive of the institutional climate to keep resorting to this kind of thing. My earnest hope for the sake of the Senate is that when this week is past and we go home for the Easter break, we can all take some deep breaths. When we come back, we can work to rebuild the climate in this institution, for which we all care deeply and which cannot do its work unless there is a substantial degree of mutual trust and respect.

Hon. Elaine McCoy: Just to be clear in forming the debate, what is your estimate of the length of time you expect independent Liberal senators in the Senate caucus to speak to this bill at third reading?

Senator Fraser: Correction: We are members of the Senate Liberal caucus. Senator McCoy, you are an independent senator not affiliated with any caucus; and that is an honourable status. Our particular status is that we are members of the Senate Liberal caucus.

At the moment, despite repeated requests to my colleagues, I have found no one other than Senator Dyck who wishes to speak to this bill, and she wishes to speak to it tomorrow.

Senator McCoy: Do you have an estimate of time?

Senator Fraser: I think it will be 15 to 20 minutes.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Would the honourable senator accept a question?

Senator Fraser: Yes.

Senator Carignan: Your discussion and the exchanges you have had regarding the commitments you can make are interesting. I will admit one of the problems we have on this side of the chamber regarding this type of commitment, about which you are saying you gave your word. Since our return in January, everyone on the other side has claimed to be independent, saying that they vote according to their own conscience and that they are free to decide what they think is right. How can you give us the assurance that, when you make a commitment as Deputy Leader, you are doing so for the entire caucus of senators?

The Hon. the Speaker *pro tempore*: Order! Order!

Senator Fraser: I cannot speak on behalf of senators who are truly independent, such as Senator McCoy. I cannot speak for my caucus before consulting it, except on more minor issues. However, in the case of important issues, I cannot make any commitments before consulting my caucus, because as you know, we no longer have whipped votes.

However, when members of my caucus tell me something, they keep their word. Following these kinds of consultations, I was able to assure the Deputy Leader of the Government and you — I was there — that these three bills would continue through the legislative process this week and that, by Thursday evening, we would have completed voting on our side. However, I cannot speak for Senator McCoy.

Senator Carignan: Why not simply agree, if you are truly committed to this? As you know, the Rules allow for two types of time allocation: one when there is a disagreement between the two deputy leaders —

The Hon. the Speaker *pro tempore*: Senator Fraser, are you asking for five more minutes to be able to answer the question?

Senator Fraser: Please.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Carignan: There are two procedures: one, when the two deputy leaders disagree, the Leader of the Government can give notice of this disagreement and request time allocation; or two, when the two deputy leaders agree on the amount of time to be spent on a bill, they note the agreement and allocate time with the agreement of both sides of the chamber.

If you agree to dedicate the time you are saying to this debate, why not simply allow for it in the time allocation and we can simply say that the two whips agree.

Senator Fraser: I have never been a whip. Perhaps I have not been clear enough today and on other occasions: I think that the guillotine is a tool that should not be used very often and only in urgent situations.

• (1800)

In my opinion, there is a very important difference between the daily negotiations that often include commitments, and the use of the last resort of closure. I would only agree to closure in rare circumstances.

Hon. Fernand Robichaud: Honourable senators, it is more or less the same question that I asked about the previous motion.

Rule 7-2(1) clearly states: "...that the representatives of the recognized parties have failed to agree to allocate time to conclude an adjourned debate..."

My question is for the Deputy Leader of the Opposition. Did you refuse to agree to a time allocation? That is the essence of the rule, is it not?

[*English*]

The Hon. the Speaker *pro tempore*: Is there an agreement that I don't see the clock? It's six o'clock.

Hon. Senators: Agreed.

[*Translation*]

Senator Fraser: As I said earlier, Senator Robichaud, you quoted Chapter Seven of the Rules and the title of Chapter Seven is "Time Allocation."

[*English*]

Those are phrases that are used for this specific mechanism in which we are now engaged.

This may not be the view of all honourable senators, but, in my view, the imposition of formal time allocation is substantially different from negotiating agreements about when a certain debate will occur and when it will conclude.

I gather, from our last exchange —

[*Translation*]

Senator Fraser: You will not be satisfied, but that is my point of view.

Senator Robichaud: I believe it is getting late.

[*English*]

Hon. Nick G. Sibbeston: Honourable senators, Bill C-9 is a bill dealing with First Nations elections and their terms. It's a bill that was dealt with a couple of years ago. At that time, we had extensive debate. There were some differences, but, for the most part, the bill had passed our committee.

It came back this winter in the House of Commons, and it came before our committee, the Standing Senate Committee on Aboriginal Peoples, in the last few weeks.

Generally, there is concurrence with the bill. It's a positive thing for First Nations in our country to have their terms extended from two years to four years, and there are provisions with respect to the election of councillors and also an appeal process regarding the elections.

It's a positive thing, and all of our committee members have agreed that this bill should go forth and be passed. I know that the members on this side of the house that are on the committee — Senator Lovelace Nicholas, Senator Moore and Senator Dyck — are all in agreement with the bill.

I don't feel that there is a need for time allocation. You have my word, and others, I'm sure, would confirm that we will deal with this bill as expeditiously and as well as possible this week. On that basis, would you not consider just taking back the motion, as it were, and just counting on what we've said, on the goodwill of people?

If this is to be the way of doing business in the house, every bill with time allocation, the Senate is going to change and it's going to make for ill feeling, distrust and so forth.

So, having said this, would the Deputy Leader of the Government consider just taking back her motion and just trusting us that we will deal with the bill expeditiously and that they will get their bill this week?

The Hon. the Speaker *pro tempore*: Senator Sibbeston, I take that as a comment because you cannot ask a question of Senator Martin. Her time has passed.

Do I understand that honourable senators are ready for the question?

Some Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Those in favour say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I think the yeas have it.

An Hon. Senator: On division.

The Hon. the Speaker *pro tempore*: On division.

(Motion agreed to, on division.)

(The Senate adjourned until Tuesday, April 8, 2014, at 2 p.m.)

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