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REFORM BILL, 2014

Bill to Amend—Second Reading
of Bill C-586

Speech by:

The Honourable Diane Bellemare

Thursday, May 14, 2015

THE SENATE

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[Translation]

REFORM BILL, 2014

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Ataullahjan, for the second reading of Bill C-586, An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms).

Hon. Diane Bellemare: Honourable senators, I will be brief. I rise today to explain why I will be voting for the second reading of Bill C-586. My speech comes in the wake of discussions about the need to reform our democratic institutions, which have been held in Parliament and in the court of public opinion. I was impressed with the speeches on this subject by Senator Fraser and Senator Tannas.

Furthermore, honourable senators, I received many emails asking us to support this bill, and this led me to further reflect on the details of the bill. The media has also participated in this debate. For example, the *Globe and Mail* editorial of Thursday, May 7 urges the Senate to deal with this bill and pass it.

The editorial states the following, and I quote:

[English]

If any bill passed in the Commons deserved to be rubber-stamped by the Senate, this is it.

Instead, the Senate put the Reform Act on a slow train. And now it's sitting on a rail siding. Why? The inaction leaves the impression that the Conservative majority in the Senate has been told to smother it in the crib.

[Translation]

On Tuesday, journalist and columnist Andrew Coyne, of the *National Post*, wrote the following:

[English]

What Chong's bill represented, more than anything, was hope: hope that one day MPs might escape the whip, hope that parliamentary reform, even if it is not possible now, might be in time. And for those in power, hope is a dangerous thing to allow. The whole system depends on MPs being kept in a state of hopelessness, unable even to imagine a better life. What is the point of making trouble, if the effort is futile?

It would be outrageous enough for senators, a good number of whom may soon be under indictment, to defeat any bill passed by a democratically elected House, whether overtly or, as in the present case, by stealth. It is particularly

outrageous given the subject matter of the bill, which is entirely to do with the internal workings of the Commons, on which the Senate traditionally has no voice.

[Translation]

Dear colleagues, Andrew Coyne wrote in the past tense. We might think that he was speaking of the initial bill. We could also think that he is speaking in the future, with the certainty that the Senate will reject this bill or let it die on the Order Paper. It is true that, in order to avoid debates, the Senate leadership can decide to let bills die on the Order Paper.

Bill C-586, which amends the Canada Elections Act and Parliament of Canada Act, has generated a great deal of debate for over a year now. It was also the subject of a session at the 2014 Manning Conference. This bill has been significantly amended from its first incarnation, and it is now supported by a vast majority of MPs from the three main parties represented in the House of Commons, the Conservative Party, the Liberal Party and the New Democratic Party.

I think that to allow Bill C-586 to die on the Order Paper would also be to allow the Senate to die a slow, painful death, for it would betray our *raison d'être*. Canadians expect better from us. They expect the Senate to do its job and debate the merits of the bills that are introduced in the House of Commons. They expect us to amend bills that come to us from the other place, if necessary, and to oppose bad bills. Canadians are not fools, and I'm quite sure that they don't want their senators to simply sit on their backsides or bury their heads in the sand, to use some common expressions.

At first glance, the bill introduced by MP Michael Chong may appear flawed, despite the many amendments that were made. This bill could create some political instability and thus have a negative effect on democracy in Canada, as Senator Joan Fraser pointed out in her speech on May 7, 2015. She reminded us of what happened in Australia, where in 2010 the members of the governing party were able to oust their prime minister without any formal cause. The mess that ensued got the better of those who caused it in the first place. Since that little adventure, which definitely had negative consequences for that country, it is no longer possible for the members of the party in power to get rid of their prime minister so easily and without a reason of public order. That is what it is really all about: the ability of a majority of members in the governing party to dismiss the prime minister, without any apparent cause, with a majority of over 50 per cent of the vote.

• (1620)

Currently, when the Prime Minister no longer has majority support of the House, the Governor General is called to step in. He either dissolves the House and an election follows, or he appoints a coalition government. In all these scenarios, the political parties usually have to confirm their leader by a vote of confidence by all the members of the party. However, if a prime minister resigns during his term of office, which happens sometimes, the members of Parliament of the party in power can

choose an interim leader who will be confirmed by the party members later.

Mr. Chong's bill is bold in how it seeks to give power to the members of Parliament. Bold because it proposes giving members of Parliament powers that go against traditional practices. Let me explain. This bill is based on the principle that members of Parliament are elected by their constituents and that it is the elected members who give legitimacy to one among them to exercise the powers of a prime minister.

In reality, the leader of a party who aspires to become prime minister is generally chosen ahead of time, well before the election, by all the members of a party. As a matter of fact, the political parties are increasingly broadening the base of those who are entitled to vote. However, members elected by their constituents are most often elected because of the popularity of their leader. Sometimes people vote for the candidate first, but that is not the general rule.

That said, Bill C-586 has some other provisions that are worthwhile. Why are we studying such a bill? Like many others, I think that Bill C-586 was introduced because some members of the House of Commons felt profoundly frustrated with their role as backbenchers and with the fact that the Prime Minister holds so much of the decision-making power. This frustration is nothing new and it is also obvious at the provincial level, regardless of which party is in power.

[English]

Is it certain that Bill C-586 can succeed in empowering MPs? Can it succeed in dissipating the frustration of many powerless MPs? I don't know yet, but one thing is clear to me: We in the Senate must do our job and look at this bill with scrutiny. We need to ascertain how and why this bill came into existence. We need to analyze all the clauses in the bill and the risks and benefits of it. Is this bill really in accordance with the concept of responsible government? Does it respect the foundation of the Westminster system of parliamentary democracy, as it pretends to do?

[Translation]

I'm not sure.

Dear colleagues, in a speech I made on September 30, 2014, I advocated the idea that we should review how committees submit reports to this chamber on the results of their studies and

deliberations on bills under their purview. In this speech I proposed a series of questions that the committees could — or should — answer in their report to senators in order to explain their vote. These questions are obviously not perfect or comprehensive, but the idea behind my comments was that we should require that committees rationally explain their vote to all senators.

The following are some of the questions I suggested, which could serve as a template for committee reports. Is the bill constitutional? Does it comply with the Charter of Rights and Freedoms? Does it violate international conventions? Was the process in the lower House democratic? Does it respect minorities and public opinion?

At first glance, Bill C-586 appears to comply with these questions. It was the subject of numerous consultations, received the support of the three main political parties in the other chamber, has public support, does not violate the rights of minorities and is consistent with the legislative powers of the lower House. However, some provisions of this bill could create some political instability and may be incompatible with the notion of responsible government. In short, Bill C-586 deserves thorough study.

I would reiterate how important it is for the committee that studies this bill to explain why it is recommending for or against passage of the bill and why it has proposed a particular amendment. The Senate has to substantiate its positions and, most importantly, explain them to the people. Canadians support our function of thoroughly examining bills and improving them. The Senate owes the Canadian people explanations. I firmly believe that doing this in committee will result in a clear expression of the value the Senate brings with its analysis and sober second thought.

In closing, esteemed colleagues, we're not here to vote for what we like and reject what we don't like. Our role is to vote in favour of legislation that is in keeping with the public interest and to explain that to Canadians.

[English]

Our role is to vote what is right and not what is wrong, whether we like it or not. Our parliamentary system should adapt to the new dialogue that the Senate has the responsibility to establish with the people of Canada and between the two chambers in order to improve the quality of the legislation.
