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Brief to the Special Committee on Senate Modernization

Dear Senators,

Imagining a New Senate

Studying the Senate has been, in a sense, a hobby of mine. I first started reading Parliamentary debates in high school, and eventually discovered that I liked those of the Senate more than the House. They are more erudite, more interesting, and far less acrimonious. The Senate is a fascinating institution, nearly unique in the world, and it has its own share of challenges. Its history and future are of great personal interest to me, so I would like to take this opportunity to offer my contribution as you try to shape its future.

I will profess a disappointment with much of the debate that I've seen on the subject of the Senate in the last few years. I think that many Canadians do not see the potential inherent in the Senate, and see only its failings. I think it is hard to blame the Senate for this, because of the constraints under which it has been opportunity.. Now, however, there is a true opportunity for the Senate to truly reinvent itself as an institution, and I, for one, don't want to see it be missed.

A lot of the debate so far over the Senate, both internally and externally, has been reactionary. broadly Whether it is the increased oversight demanded by the public or the promise of a mostly-independent Senate enforced by the government, to a great extent, these focus of the conversations is adjusting the Senate to new realities rather than envisioning further change.

There has been some discussion about fixing some of the existing issues with the Senate, and I'll confess that much of this submission will deal with what I perceive are potential areas for improvement. I will also invite and encourage Senators, however, to consider a grander vision for the Senate. Take a step back and ask the question: what would the Senate look like if it was conceived anew today?

Would it be a partisan body? Would it focus on diversity? On regionalism? Perhaps it would be a body that *Chambers* could carefully consider the implications of any new legislation and would have a public mandate, analogous to that of the Supreme Court, to prevent it from becoming law if they felt it didn't respect rights. Perhaps it would be a body that acted like a Law Reform Commission, undertaking detailed studies of legislation and proposing complex reforms to update legislation and make it consistent. Perhaps it would be both of these, or perhaps neither. But it is worth asking the question, since the answer can become a goal.

I implore you, Senators, not to stop your work when things have stopped being easy. Instead, push forward and make a revitalized institution, one that can earn respect and trust from coast to coast to coast.

In my submission, I will talk about two issues that have reached the forefront recently and I think could be candidates for modernization. The first is the matter of partisanship in the Senate, of which you have been

very much seized lately, and the second relates to what I believe is the biggest procedural barrier potentially facing the Senate: the process to end debate. I also feel that the process by which the Senate handles questions of privilege is in need of reform. I omitted this from my submission however, as it hardly relates to modernizing the Senate and I felt it would distract from the core point about ending debate.

Thus, I will roughly be answering the four questions that the Committee has been asking of its witnesses:

1. Do you believe that political party caucuses have a role and a future in the Senate?
2. Does a modern Senate need governmental representation?
3. Does a modern Senate need an official opposition or any opposition groups?
4. What changes do you feel are required to our rules or practices?

Partisanship in the Senate

It seems that, at the moment, the Senate's greatest identity crisis is about political parties. As you know, Senators without party alignment (which I will henceforth refer to as "non-partisan" Senators even though I concede that they may be partisan) will very soon be the plurality, and likely be the majority within a year and a half. Some of you are very concerned about what it means for the future, others among you are enthusiastic at the potential it brings.

I want to say up front that while I am well-read on the subject of parliamentary institutions, that I am not a regular academic or politician. I don't think that my perspective is that of your average Canadian, but it is also different from the Ottawa bubble or the ivory towers, and I hope that you feel that it is valuable.

The first free questions you have asked all have one underlying question to them. Does the Senate need political parties? Once we answer this question, the answer to the others becomes much easier. To do so, I will look at the constitutional arrangement surrounding parties.

A Party-Free Parliament

The first step to understanding the relationship between the constitutional arrangements of Parliament and the political parties is to imagine a world where there was no such relationship. In this hypothetical Canada, political parties exist only informally and on the ground. They are not recognized by law, by the government, or by any procedures in Parliament. Elections are still fought by parties, however, and the individual Canadian still sees themselves as voting for a party when they cast their ballot. After the votes are in and the members returned, however, how would the process of government formation look like?

First, the incumbent Prime Minister would be given the chance to face the House and seek confidence. If his party won a majority, then he would naturally expect his party members to support him, so he would proceed, the MPs of his party would vote him confidence, and everything would proceed naturally. If another party won a majority, he would surely realize that he would never win confidence, and inform the Governor-General of his intent to resign.

The choice of the next Prime Minister is then up to the Governor-General. Even though the outgoing Prime Minister may offer advice on who to select, because the Prime Minister will no longer be the Prime Minister once he has resigned, his advice is not binding. The Governor-General in our hypothetical scenario will pay no attention to the political parties, though. She will simply try to assess Parliament's composition and select the Prime Minister most likely to lead to a stable government. Her investigations would not doubt lead to a single outcome: that the leader of the party with the most seats is the only viable option. Any other choice would be rejected by the members of that party, who hold the majority.

Our new Prime Minister would then need to select her cabinet and ensure that her government can pass supply. But she would likely have little trouble doing so: she could threaten to disavow the party of any MP who voted against her, and that MP would be faced with a difficult battle for re-election. Even without a formal status to be lost, they would likely lose party resources and support from the local members, jeopardizing their political future.

If no party won a majority, the situation would be similar, except that the Governor General may find herself with several potentially-viable options for Prime Minister. Barring an unusual hypothetical case where a compromise candidate were agreed upon, all the viable options would still be party leaders, and the situation does not look that different.

Regardless of how the government was formed, the other parties would organize themselves to oppose it, to convince the media and the voting public that they would be the better choice next time around. The political games that come with partisanship would hardly be diminished by the lack of rules and structures formalizing parties.

What Was Different?

Now let us end our hypothetical, and take a close look at what was different about government formation from our real world. The answer is nothing at all! There is no difference! The lack of parties in the formal constitutional structure didn't change anything, and the reason is that Canada simply has no need for parties in its constitutional structure. They exist, and are regulated quite properly under the *Constitution Act, 1870*, but the only time they need to even be considered when looking at the mechanics of how a government is made or unmade is when the Governor General looks to pick a new Prime Minister. Even then, the Governor General could be completely ignorant of parties and, if she were doing her job properly, she would end up picking the same candidate.

In actual fact, political parties are not a part of our constitutional arrangements, but rather a consequence of them. When the Province of Canada decided to adopt responsible government in 1849, having regard to both English and especially recent American history to go upon, it was understood at the time that one of the consequences of this system of government would be that political parties would necessarily evolve into prominence. They understood that they had no need to entrench parties into the system because they would come to occupy their position naturally.

The need for political parties comes, most simply, from the need to tie electoral outcomes to parliamentary ones. In any legislature, the individual members will have their allies and opponents, and they will naturally

congregate together and co-operate with one another. During a session, they can only accomplish their objectives by convincing their peers to vote with them. When an election comes, however, another option becomes available: those who cannot be convinced can be replaced. Like-minded individuals will be recruited to contest seats, in hopes that the newly-constituted body will be more amenable. This is the natural role of political parties, and is to a certain extent an important part of a healthy democracy.

Are Parties Needed in the Senate?

The Senate, on the other hand, has no elections, and is not a confidence chamber.

Nothing could be more key when examining the role of political parties in the Senate. As I have described above, parties arise naturally as a consequence of an elected body, rather than as a critical part of the constitutional arrangement. Parties also facilitate the formation of government, in which the Senate very deliberately plays no part.

Clearly, then, the tie between the parties in the House of Commons and in elections has no bearing on the Senate. While individual Senators may support election campaigns, the Senate as a whole is constitutionally separate from the electoral system. One could even imagine a hypothetical world where the Senate required Senators to be neutral with regards to election campaigns, though I do not think that is worth considering at this point.

The relationship with government formation is a bit more complicated, because of where that convention originates. The reason that the House of Commons was, historically, able to enforce the confidence requirement was that it would refuse to provide money to the government unless its demands were met. While, in Canada, the Senate is not generally viewed as a confidence chamber, it has the power to do exactly the same thing.

In practice, though, if the Senate tried to block supply the resulting constitutional crisis would be viewed extremely negatively and lead to a weakening of the Senate, at best, or its abolition, at worst. But this does mean that any arrangement inside the Senate must take heed of this and be careful not to overstep its bounds.

Parties, perhaps, might be useful for this. Being aligned to the House of Commons parties, the Senators in parties would perhaps feel more constrained to the constitutional conventions. By contrast, however, Senators aligned to the opposition might be more brazen in attempting to use the Senate to override the confidence of the House and block supply. I think that the latter is the more likely scenario, to be honest, but this is speculation. It is hard to say that parties are required to ensure that the Senate adheres to conventions regarding the House's primacy, however.

The Role of Parties

So if we conclude that parties are not necessary in the Senate, then what role can they play?

As mentioned above, it is natural for divisions and groupings to form in legislative bodies. 105 people is too big for a complete lack of organization. I happen to quite like the proposal that your Committee put forward to have parties put on even footing with other groups, and in fact I was going to suggest the same thing until I

saw that you had reported the idea. So while I won't belabour the point, it is clear that parties could be a form of grouping under this system.

I am not sure that it needs to go farther than that. I don't see any benefit to according party groups in the Senate greater privileges than other groups. I know nothing of the current politics surrounding committee appointments for non-partisan Senators, but I am quite confident that they are in the end a distraction. The House of Lords shows us that partisanship is not required to have a functioning group, quite the opposite. The structures in the cross-bench show us that a different organization structure within a group can function quite well.¹

The only role that I think that party groups could play that other groups could not is to align with the groups in the House of Commons. Now, then, is the time to turn to government and opposition.

Government Legislation

In the House of Commons, much revolves around the principles of government and opposition. In the Senate, this is less true. With the gradual ending of the practice of appointing ministers from the Senate, more and more focus has shifted to the House. Still, the government needs to get its legislation through the Senate, and this creates a complication.

As I will elaborate on below, the government has a right to see its legislation considered and, eventually, voted on by the Senate. The whole constitutional arrangement would not function if the Senate were completely recalcitrant and refused to ever pass the government's legislation. In the rules, this is reflected by the government business being considered first every day. The rules also recognize that the government is free to prioritize its legislation how it sees fit, out of convenience.

I think, first and foremost, that there is no reason that the government legislation must be procedurally privileged in the Senate. Indeed, Bill S-1 introduced each session asserts the opposite. But nonetheless the Senate must be willing to pass government legislation, particularly supply and budget bills, in a timely fashion, and prioritizing government business is a useful tool for that.

But none of this process truly requires a government representative in the Senate, much less a cabinet minister as was the long-standing convention. One could conceive of a system where the Leader of the Government in the House of Commons were to communicate regularly with the Speaker of the Senate to indicate which bills were to be designated as government bills, and to provide the priority order with which they were to be considered each day. It would be an awkward process, however, and so I think the presence in the Senate of a representative (or representatives) to act on behalf of the government with regards to logistical matters is desirable.

Logistical matters are, of course, not the core of the Senate's handling of legislation. That core is debate and study. The Senate must scrutinize every piece of legislation that comes before it and verify that this legislation is in the best interests of Canada before passing it. It is often a complicated analysis, and the debate that takes place in the chamber and before committees are vitally important. Some have suggested that this is so

¹ For years, I have been telling anyone who would listen how wonderful it would be to have a Senate cross-bench, and I was so very excited to be able to listen to and live-Tweet your conversation with Lord Hope! Thank you for giving me that!

important that it requires a government and opposition. The risk of not having them is that legislation may be unsupported, or it may not be properly scrutinized.

In practice, I don't think that government and opposition will help much with either scenario. If a piece of legislation is so unpopular that the government representative is unable to find a sponsor, then that legislation is surely doomed. The government representative need not sponsor the bill himself, as has already been demonstrated. Conversely, if legislation is so popular that no one is willing to rise to speak against it, then even with a party system in place, it is difficult to guarantee proper scrutiny will occur. The House of Commons, despite its entrenched party system, periodically passes legislation without a word of debate or committee study. The Senate is far less prone to this, which if anything indicates that parties may get in the way of proper scrutiny. And as long as the Senate retains a culture of insisting on proper scrutiny, then it ought to be possible to find a Senator somewhere willing to play devil's advocate. A party system is hardly required for this arrangement to happen. Thus, I feel that the formal roles of "government" and "opposition" are not needed with regards to the legislative process, although having a government representative to aid in scheduling the bills is helpful.

It is worth noting that the process of finding this Senator, and in general the process of choosing the Senator to serve as the primary critic on a piece of legislation, is a logistical matter in part entrenched by the two-party system. The rules as written would not very well handle a three-party Senate any more than they do a zero-party Senate, since they would privilege the largest opposition party. For fairness, some process involving the usual channels would need to be sought in either case to decide on the critics for each bill.

Question Time

The final remaining place where government and opposition are truly relevant in the Senate is in Question Period. But here, I think, the answer is almost already here. The Senate is now inviting one minister per week to attend Question Period, and from my own reading and from what I have heard from others, this is far more productive than the questions asked of the government's representative. The questions and responses are typically very high quality, and come from all sides of the chamber, another feature of the House of Lords worth emulating. If anything, I would worry that partisanship here would mean that a government-aligned caucus would eat time with softball questions.

Since there is no government or opposition clearly defined in these Question Periods, and some Senators are already suggesting that they become the primary Question Period, I don't believe that the accountability process needs formalized opposition either. Indeed, formalized opposition could be counterproductive because it would imply that there are Senators who have less of a duty to hold the government to account, which is not the case.

Ending Debate

Turning to the final question of the four that you have asked your witnesses, I will talk about the way that debate can be brought to an end, which is I think the most important procedural change that can be brought to the Senate that has not already been discussed. It seems to me that no issue in parliamentary life is so continually contentious as the power to bring consideration of a motion or bill to a close. Especially in recent

years, it seems that every instance of any sort of measure to force a vote in a House of Parliament leads to accusations of being “undemocratic”, of “ramming things through”, or of even less pleasant things.

On the flip side, however, is the argument that a Parliament that never votes is an ineffective Parliament, that Parliament has a responsibility to pass government legislation. If the opposition is particularly opposed to a measure that they know is doomed to pass when the vote comes, they will search for other ways to prevent it from becoming law, or at least to make a very good show of opposing it. Filibusters break the monotony of the legislative process, and so attract media attention and support. If the majority must end debate, then this can be argued as an overstep and a trampling of rights. and in the rare cases where they cannot, they are thereby forced to abandon their plans.

I know of no better way to express the necessary compromise between debate and expediency than that expressed by General Henry Matryn Robert. General Robert was the author of [Robert's Rules of Order](#), probably the most comprehensive and widely-adopted parliamentary procedure manual not intended for use exclusively in legislative assemblies.

The great lesson for democracies to learn is for the majority to give to the minority a full, free opportunity to present their side of the case, and then for the minority, having failed to win a majority to their views, gracefully to submit and to recognize the action as that of the entire organization, and cheerfully to assist in carrying it out, until they can secure its repeal.

We are incredibly lucky to live in a country where this principle is, broadly speaking, respected. We accept the decisions of those whom we oppose as legitimate, if misguided. When people are upset with the government, there are occasional angle shoots bandied about, but the only universally accepted method to dispose of one government is to elect a new one. It is this that makes our democracy truly work. As a result, in my opinion, the principles expressed in the quotation should be regarded as true rights of the majority and minority in any democracy.

In Parliament, this principle breaks down much more often than in elections. The minority sometimes interprets their right to a chance to make their case as a right to change the minds of the majority, which it is not. The majority sometimes interprets their right to have their will implemented as a right to come into a matter as a bloc already decided and skip past the debate, which it is not. By insisting the majority change their minds, they are not making graceful submission. By insisting the minority admit something already decided, they are not allowing a free and full opportunity to present. As always in politics, the optimal path is somewhere in between.

The rules of the Senate regarding debate are, in many ways, inadequate for properly balancing these rights. Moreover, there are places where the rules favour debate, and others where they favour closure. I believe that to implement a set of rules which work well, the rules must be designed to respect and fairly balance the rights of the majority and minority and, to that effect, I will examine some of the ways that they are deficient and possible solutions.

In the likely case that the Senate decides to forge ahead with parties occupying a diminished role compared to the past, then I think that solid rules on the limitations of debate will be naturally very important. My own observations are that ending debate over an item that some wish to filibuster seems to be one of the most

acrimonious parts of the parliamentary process, and the lack of an organized majority will mean that an ad-hoc system of ending debate will be all the more stressful on the Senators involved.

Restrictions on Limiting Debate

At present, the decision to end debate is almost always decided by a majority. This invariably means that any majority capable of passing a measure is also capable of the votes required to impose an end to debate, and so they can choose to curtail or entirely ignore the minority and debate if they see fit. This also enables a majority (historically, usually the government caucus) to come into a debate with a premeditated decision as to how it will go, shut down debate, and proceed. This is where the true abuses of power can come, and must be avoided.

Voting Thresholds

There are two general themes of mitigating approaches that can be considered. The first is to make it more difficult to end debate, usually by a higher voting threshold. In the US Senate, this is three-fifths of Senators. In the many parliamentary authorities which are designed for boards, conventions, and other organizations, it is frequently two-thirds. It is chosen because of a view that it should take more than a majority to close down debate, and thereby violate the rights of the minority.

There are two natural criticisms to a rule requiring an increased threshold to end debate. The first is that it may make it too easy. It does nothing to prevent a large enough bloc from eroding the minority's rights; it merely presumes that such a bloc is harder to come by and, therefore, the minority's rights will generally be preserved. The second is the opposite: that it may make it too hard. Such a rule may make a majority that does not meet the higher threshold incapable of getting its decisions made. The US Senate, with its unlimited time for debate, has nowadays become particularly notorious for effectively requiring a three-fifths vote to pass any measure.

In my experience, the key that makes a high threshold work well is when members of the assembly do not directly associate votes on the motion to close debate with votes on main motion. That is, they accept that it is possible to either oppose something but want to end debate, or support it but want debate. This ensures that a well-supported measure will still get debated, even if it may be inconvenient. I think that the Senate is moving away from polarizing partisanship, and therefore in the medium-term future, it would be a viable option. I imagine that you may have more insight into whether this approach would work in the Senate.

It is worth noting that section 36 of the [Canadian Senate Act](#) specifies that questions in the Senate shall be decided by majority. Adopting a higher threshold in the Canadian Senate would require amending that section, but this can almost certainly be done by Parliament acting alone as it is an amendment "in relation to ... the Senate...". Therefore, I think that it is a viable potential reform.

Minimum Debate

An alternative option is to provide a minimum time for debate before it can be brought to an end. This could be either specified as a fixed minimum, such as five hours, or a subjective minimum up to the discretion of the Speaker. These are both practiced in the Legislative Assembly of Ontario, whose standing orders require six

and a half hours of debate before time allocation can be moved, and allow closure at any time but allow the Speaker to reject the motion if it would be “an abuse of the Standing Orders of the House or an infringement of the rights of the minority.”

While they would work, I do not feel that either of these approaches would be ideal for the Senate. A fixed minimum is inflexible and cannot account for the realities that different amounts of debate may be called for. Some bills are merely one paragraph long and simple in nature, while others are hundreds of pages touching a broad range of issues. If the minimum is too high, then it is inflexible and may well delay the Senate in a crunch time, but if it is too low, it risks becoming established as an acceptable minimum for all classes of legislation. At the same time, empowering the Speaker to rule on the appropriateness of a time allocation or closure motion would necessarily imply removing the right of the Senate to overturn the Speaker, and thereby change the role of the Speaker fundamentally.

The Natural Progress of Debate

As I have indicated above, I am unsure of whether direct limitations on when debate can be limited are appropriate for the Senate. Not counting the option of cultural change, which always exists but is difficult for an outsider to comment on, there is another approach to making time allocation less of an abusable power: simply eliminate it as a necessary option.

As it stands in the Senate, it is the unfortunate reality that a single Senator can delay a matter nearly indefinitely. The reason for this lies at the heart of the Senate’s daily routine: the motion to adjourn debate.

Under traditional parliamentary rules, debate proceeds until no one else wishes the floor, and then the vote is taken. In modern Senate practice, this is far from the case. Often only one speech is made on an item at a time. In order to dispose of the matter before the Senate and proceed to the next, a Senator moves “that debate be adjourned”, putting the item off until the next day.

There is nothing inherently wrong with this practice, but it seems to me that its nature is fundamentally misunderstood. This is a motion no different from any other, that asks a decision of the Senate. Though it is frequently adopted by unanimous consent, it can be rejected by the Senate, in which case debate must continue. This is, however, exceedingly rare and I suspect that most Senators do not even see it as a procedural option. It is, nonetheless, of massive concern. A majority of the Senate can, at any point, decide that the Senate is going to focus its efforts on one item until the end of the day, and then a speech on a contentious issue made on 10 minutes notice is, by the standards of Parliament, barely a speech. This process is ripe for abuse by a majority wishing to shut down debate.

Ordinarily, though, Senators never worry about that, and are freely permitted to adjourn debate upon request. This leads to the other half of the issue: a Senator can prevent debate from proceeding forward by simply adjourning debate repeatedly.

The main rule in place to prevent this, for government business, is the promise of time allocation. For other business, it is the fifteen-day rule. As I am sure Senators are aware, items of other business must be proceeded with in fifteen days. If they are not, then they are dropped from the order paper.

This is, however, a perverse incentive! If I am a Senator wishing to obstruct an item of business, then it is entirely to my advantage to adjourn debate in my name and forget about it. By convention, other Senators will allow me my 15 days on the Order Paper and, should they forget to inquire about it when it comes up again in 15 days, it will be permanently dropped. There is no incentive for me to go quickly, in fact the opposite. If someone else does speak to the bill, I can of course adjourn it in my name afterward, or find an ally who will do so, and so it continues.

What if, instead, after 15 days, debate could not be further adjourned until a Senator completed their speech? The intent here is that if no Senator has in intervening period (likely at least a month) prepared a speech, then it proceeds to a vote. I believe that this would return the situation to something closer to the original parliamentary practice: when debate collapses on an item, it must be voted. I would also recommend limiting subsequent adjournments to last for less time than the full 15 sitting days, as the time required for a reply is probably less than for the initial critic's speech, although Senators would be a better judge. You might also consider changing the number of days to be measured in sitting weeks rather than days, so that the occasional Monday or Friday sitting doesn't upset the schedule and make it more difficult for Senators to predict when the fifteen-day deadline will arrive.

Thus I would suggest something like the following: any Senator may adjourn an item once, and when so adjourned it can remain on the Order Paper until five sitting weeks after its introduction, or until two sitting weeks have passed from the adjournment. When this is expired, a speech must be completed before the item can be adjourned again. If no speech is made, and no order otherwise is made by the Senate, then the item must be put to a vote. If a speech is made by a Senator other than the one who originally adjourned it, then it is automatically re-adjourned in their name without resetting the counter.

Placing a natural end on debate has another significant advantage: it will likely reduce the possibility that a Senator feels like they must resort to closure or time allocation to get their bill or motion passed. There is also no reason that this process, perhaps with some modifications, could not apply to government legislation as well in order to reduce arbitrariness.

Amendments & The Previous Question

There is, possibly surprisingly, another way for a Senator to delay a decision indefinitely. By continually introducing amendments to a motion, one as soon as the previous one is defeated, a Senator can exercise their right of debate freshly on the amendment and thereby prevent a vote on the main motion from ever happening. I believe that this happened last Parliament.

There is a device that can be used to prevent this: the motion for the previous question (phrased as a motion "that the question be now put"). It is a superseding motion that prevents amendment of the main question and, if adopted, forces a vote on the main question immediately. If it is not adopted, then the main motion is dropped from the order paper. The effect, then is only to prevent amendments from being made on the main motion.

It is, however, fundamentally flawed. First, it can be used unilaterally by one Senator and a seconder to prevent amendment of a question. Second, it only works on the main question. Once an amendment has

been made, it must be resolved before the previous question can be moved. A Senator wishing to prevent the previous question from being moved may move an amendment, then a sub-amendment, and when the sub-amendment is defeated introduce another one.

This effectively means that the ability to use amendments to filibuster depends entirely on who gets recognized first. In my view, the motion for the previous question is an abuse of procedure, since it allows a Senator to unilaterally preclude amendments, and should be removed. Abuse of amendments should be prevented by a means similar to (or the same as) the process for limiting debate.

Conclusion

I have done my best to answer the questions that your committee has been studying, and I hope that I have provided some interesting if not entirely novel perspectives. In summary, my answers are:

1. Do you believe that political party caucuses have a role and a future in the Senate?

I believe that they have a role and future as one of many different manners in which Senators form themselves into groups. I don't believe they should be privileged above other groups.

2. Does a modern Senate need governmental representation?

I believe that, while not strictly required, a government representative is helpful to facilitate communication between the Senate and the government. Matters such as the prioritization and the communication of written questions and responses could be done by the Speaker with the primary responsibility lying outside the Senate, but it is more practical to have a Senator holding these responsibilities.

3. Does a modern Senate need an official opposition or any opposition groups?

I do not believe so because, with the exception of the small number of government representative Senators, all Senators should always be working to scrutinize legislation and hold the government to account.

4. What changes do you feel are required to our rules or practices?

Beyond those already recommended by the committee, I believe that the Senate should adopt a more structured approach to ending debate, as well as clean up the process of adjourning matters from day to day.

Thank you for the work you are all putting into making a truly unique and hopefully wonderful institution,
Alexis Hunt