

*Presentation to
the Special Senate
Committee on
Senate
Modernization*



MARCH 23, 2016

Why work on Senate modernization now?

There is a broad appetite for change/improvement among Canadians and Senators to make the Senate **more relevant, useful, credible and productive to better serve Canadians**. It is within Senators' authority, and up to Senators, to make the operations of the Senate more relevant to the parliamentary process and to the needs of Canadians.



Our approach

1. Invited all Senators to participate
2. Compiled and circulated relevant Senate modernization articles/ opinions
3. Created a questionnaire to incite thoughts/ opinions and to determine areas of possible improvement and consensus.



Our approach (cont.)

4. Organized October Working Sessions (over three days): detailed and intensive discussions to better understand and seek consensus on:
 - A) Senate Mission
 - B) Partisanship and its place in the Senate; how to best integrate into the Senate
 - C) Ten key issues/subjects emanating from the questionnaire responses: broad support of some “ideas” to pursue with our Leaders and caucuses



Brief review of the Agenda for the Working Sessions





Brief review of the agenda

MONDAY, OCTOBER 26, 2015

- | | |
|------------------------------|---|
| 4:00 p.m. – 4:30 p.m. | Welcome, Overview and Rules of the Working Sessions |
| 4:30 p.m. – 5:00 p.m. | Impact of Election Results |
| 5:00 p.m. – 5:45 p.m. | Presentation and Discussion of Questionnaire Summary Results |
| 5:45 p.m. – 6:45 p.m. | Building a Mission Statement for the Senate |
| 7:30 p.m. – 8:30 p.m. | Senate's Guiding Principles |
| 8:30 p.m. – 9:00 p.m. | Day 1 Wrap-up and Take Away: “Building a vision for modern Canadian Senate.” |



Brief review of the agenda

TUESDAY, OCTOBER 27, 2015

- 9:00 a.m. – 9:15 a.m. Introduction to Second Day**
- 9:15 a.m. – 10:00 a.m. How to best integrate partisanship into our Senate?**
- 10:00 a.m. – 11:00 a.m. Sub-Group Session – “Democracy in the Senate”**
- 11:00 a.m. – 5:00 p.m. Sub-Group Reports – “Democracy in the Senate”**
- 5:00 p.m. – 5:30 p.m. Day Two Wrap-up and Take Away: “Building a plan for a modern Canadian Senate.”**



Brief review of the agenda

WEDNESDAY, OCTOBER 28, 2015

9:00 a.m. – 9:15 a.m. Introduction to Third Day

9:15 a.m. – 10:15 a.m. Sub-Group Session – “Senate Operations”

10:15 a.m. – 2:45 p.m. Sub-Group Reports – “Senate Operations”

2:45 p.m. – 3:45 p.m. Next Steps

3:45 p.m. – 4:00 p.m. Conclusion and Closing Remarks

Presentation and Discussion of Questionnaire Summary Results





John A. Macdonald in 1865, said the following:

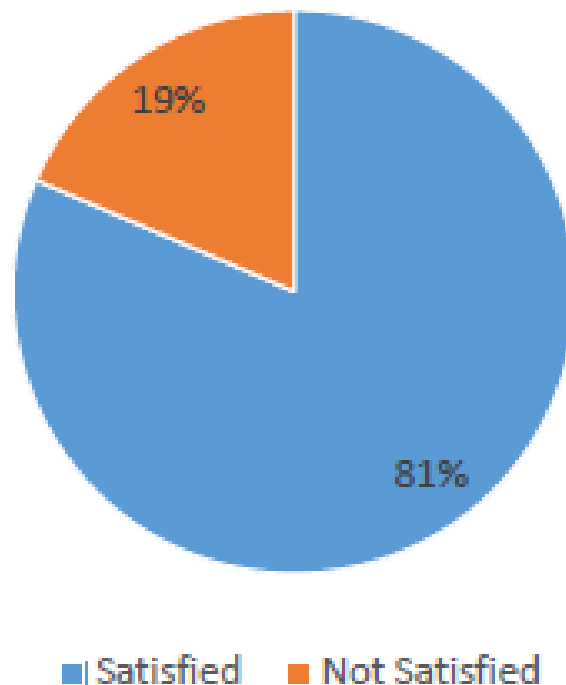
“There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, but it will never set itself in opposition against the deliberate and understood wishes of the people.”



More recently, in 2014, the Supreme Court said:

“the Senate is one of Canada’s foundational political institutions. It lies at the heart of the agreements that gave birth to the Canadian federation.” The Supreme Court further confirmed, *“the Senate’s fundamental nature and role as a complementary legislative chamber of sober second thought,”* not a competing body.

A3. Are you satisfied that the Senate's current practices, procedures, conventions and rules enable the Senate to perform its constitutional role in Canadian democracy as expressed by Macdonald and the Supreme Court?



A4. If your answer to A3. is “no,” what are the two or three main problems or blockages that prevent the Senate from fulfilling its role? How would you propose to solve or remove them?

- Senators gave detailed answers.

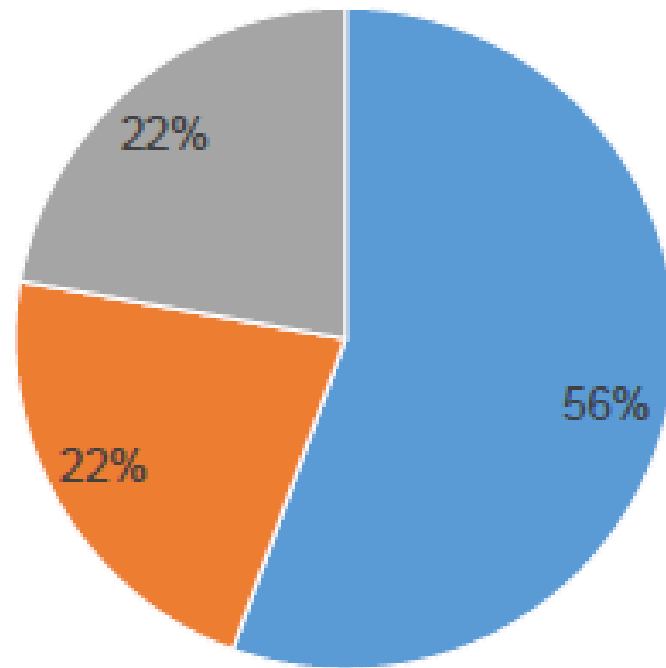


2A. If you were assigned to develop the operations of an upper house for Canada from scratch whose primary function was to be the review of Government legislation, how would you organize the ideal Senate assembly of 105 committed, and wise, Senators? What would be your key issues or organizing principles?

- Senators gave detailed answers.



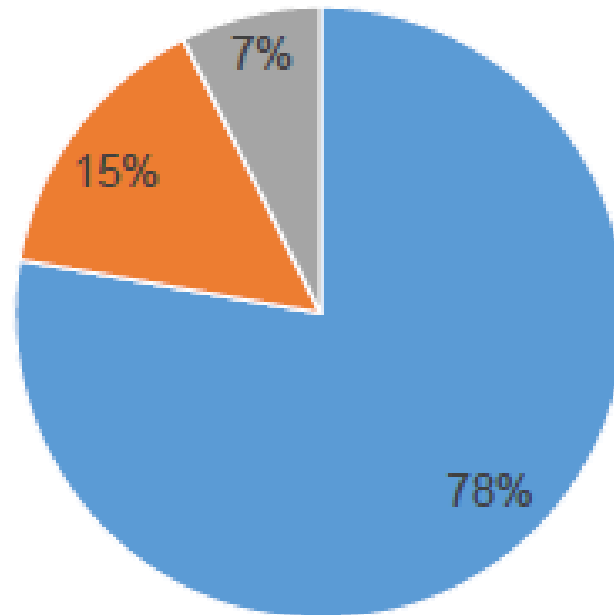
2B1. The Chamber seating plan: should it follow partisan principles as now or other principles?



■ Change ■ Stay the same ■ No comment



2B2. The Senate calendar: should it be identical to the House of Commons or be sensitive to the flow of legislation?



■ Sensitive to Flow ■ Similar to HOC ■ No Comment

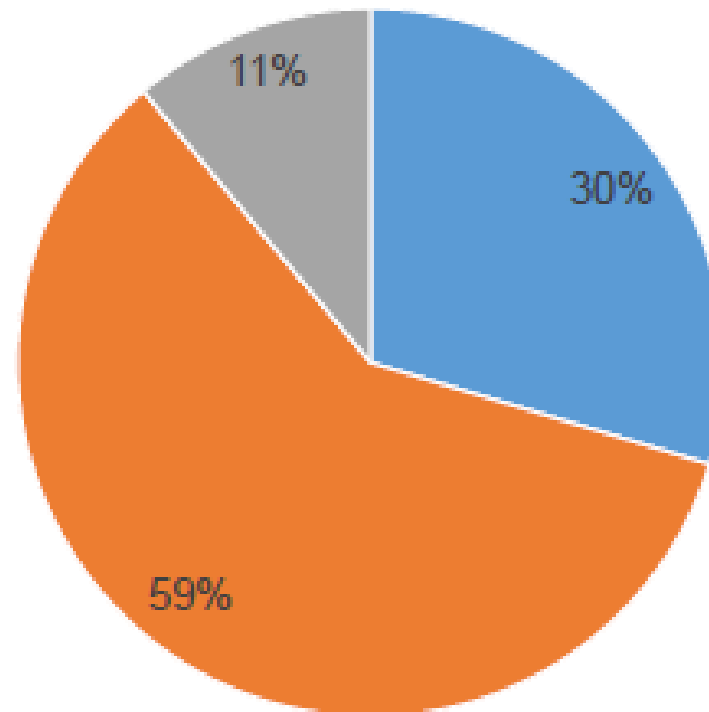


2B3. The weekly schedule: should Senators sit more than 3 days?

- Many Senators pointed out that some Senators do sit 4 days because of Monday committees.
- Answers were divided with many Senators pointing out the size of our country.



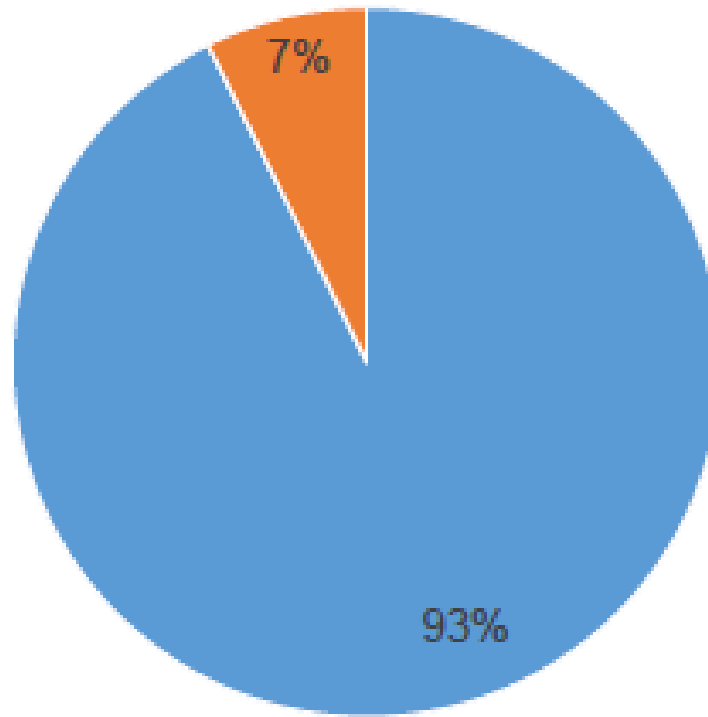
2B4. The daily schedule: is it an efficient use of time?



■ Yes ■ No ■ No comment



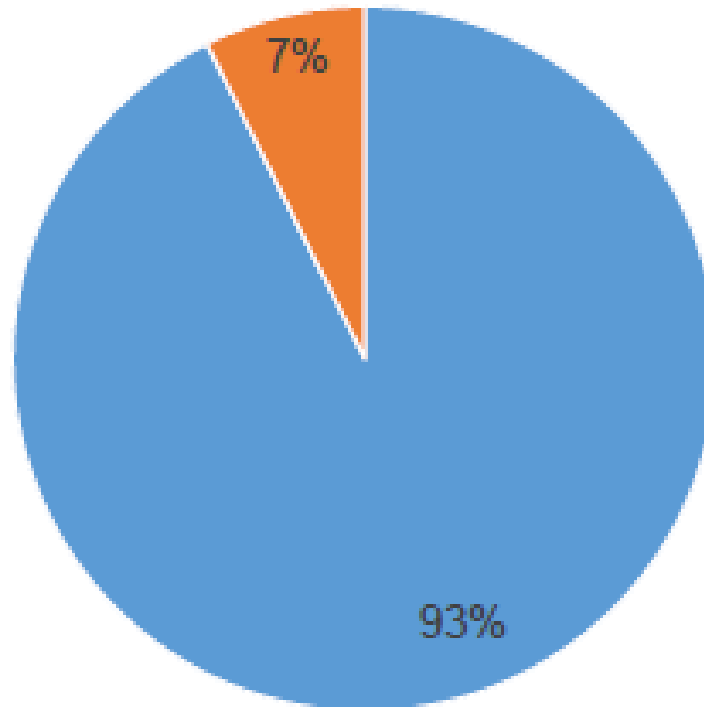
2B5. Member's Statements: are they important?



■ Yes ■ No



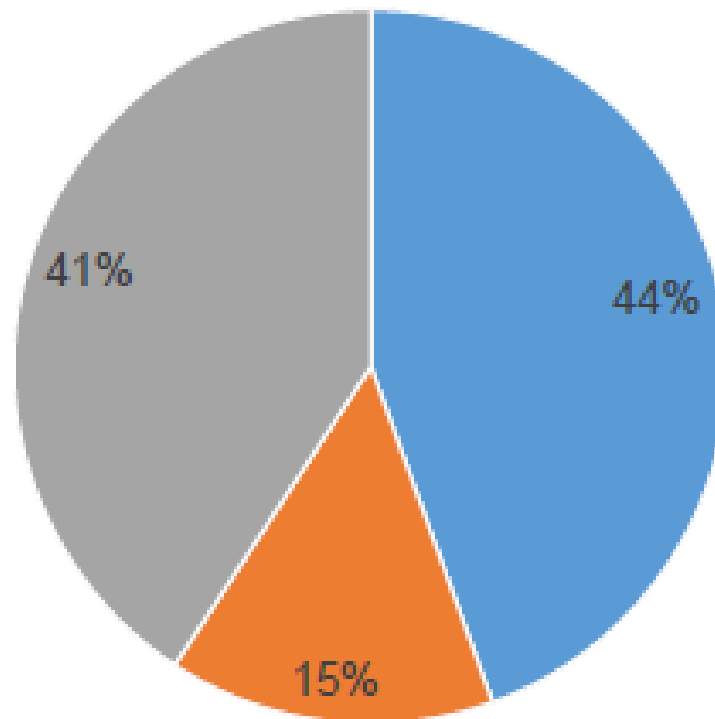
2B6. Question Period:



■ Waste of time ■ Useful



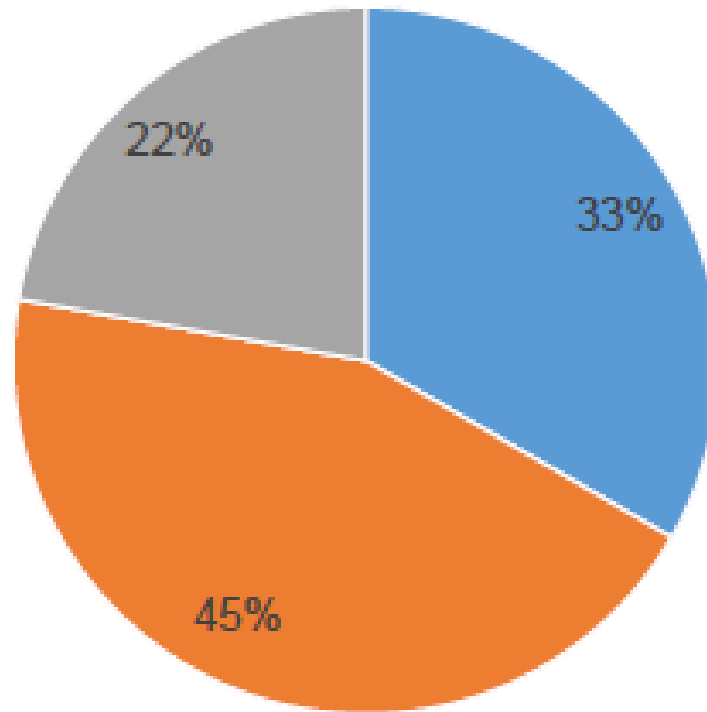
2B7. The Order Paper:



■ Change ■ Stay the same ■ No comment



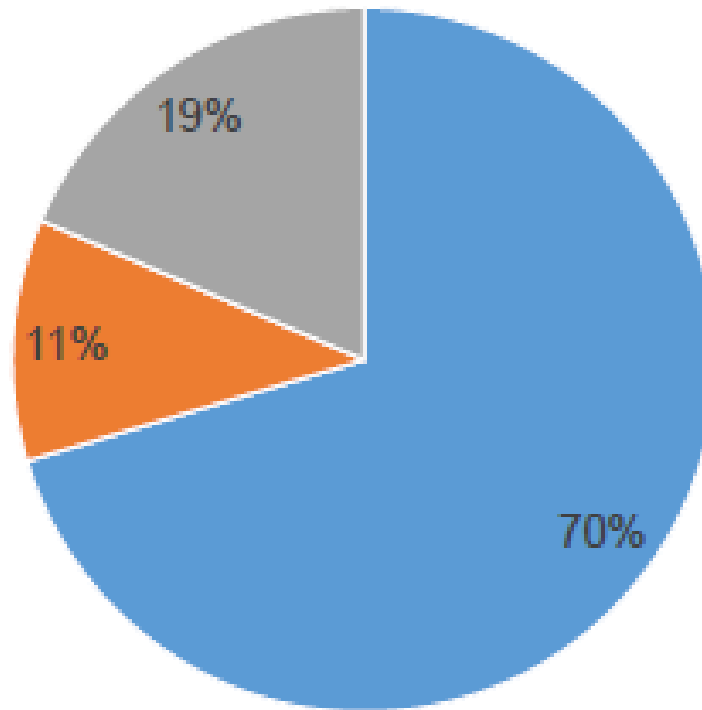
2B8. The progress of Government legislation:



■ Change ■ Stay the same ■ No comment



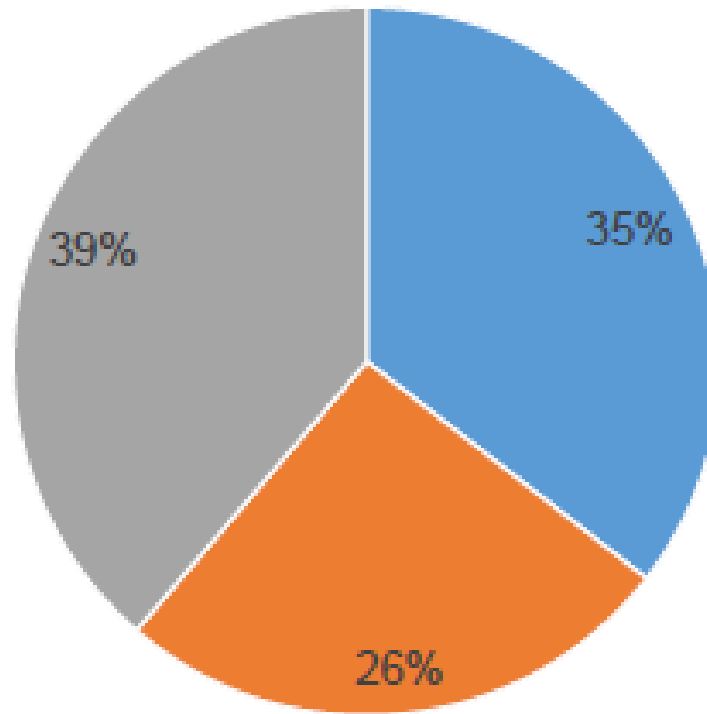
2B9. The progress of private member's bills:



■ Change ■ Stay the same ■ No comment



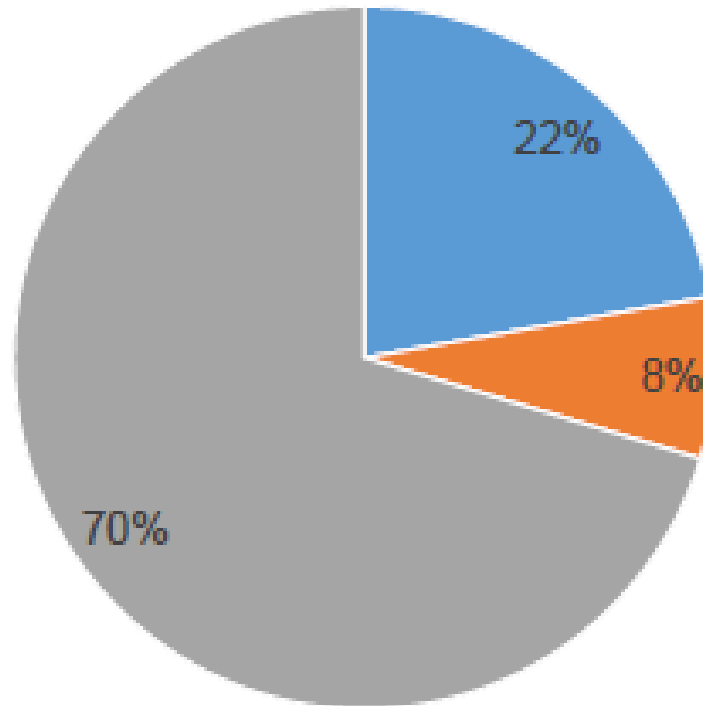
2B10. The progress of Senate bills:



■ Change ■ Stay the same ■ No comment



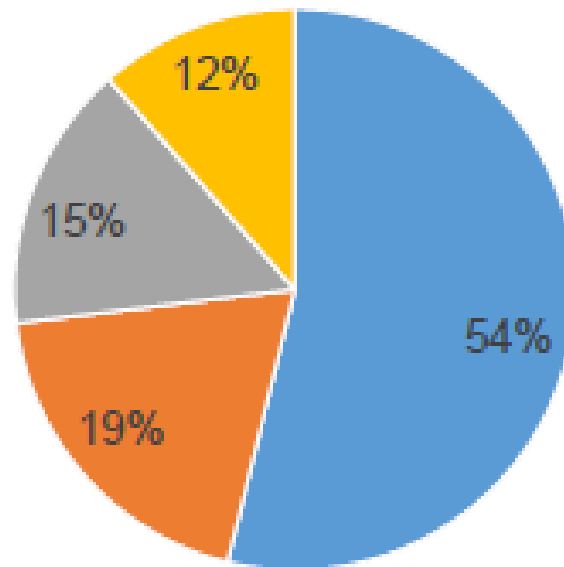
2B11. The flow of Chamber Debate:



■ Change ■ Stay the same ■ No comment



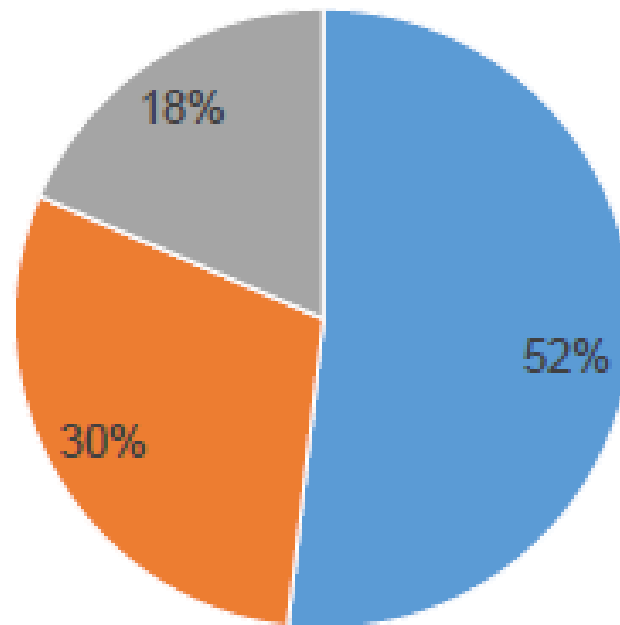
2B11i. In this ideal Senate, should the rules force a vote on all bills? Should the rules allow their tactical use to delay bills? If so, for how long?



- Force vote
- Delay
- If partisanship would change...
- No comment



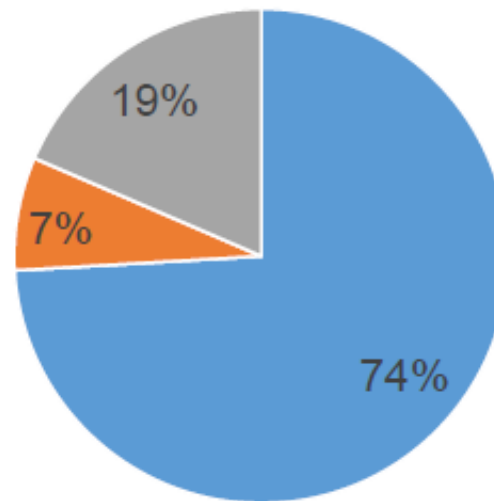
2B11ii. Should time limits be placed on Government legislation, PMBs, or Senate bills as soon as they are introduced? Why or why not?



■ Yes ■ No ■ No comment



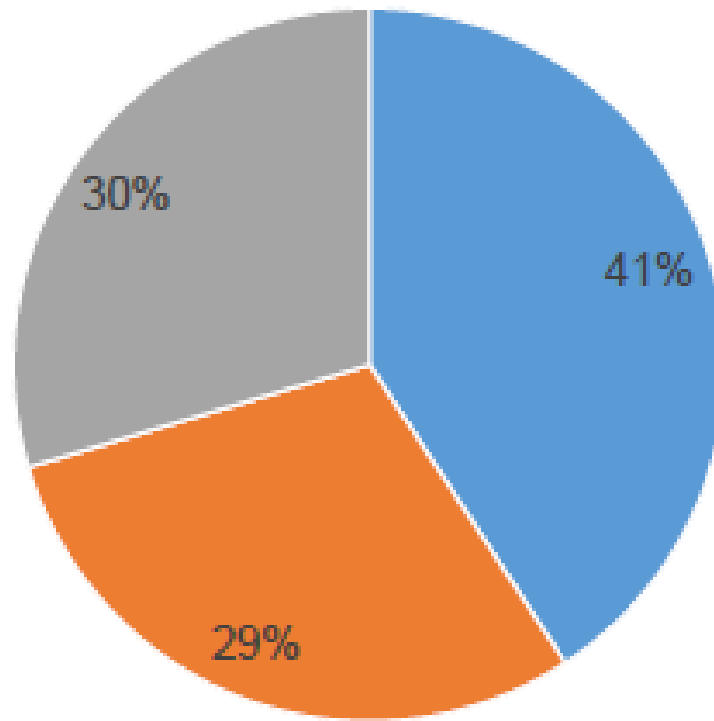
2B11iii. Would you continue the current discussion of bills, with the often-used adjournment of discussion? Would you rather see a lumping of the discussion with defined breaks in a defined schedule to allow Senators to further research and develop and finalize his/her opinion with full knowledge of the schedule?



■ Change ■ Stay the same ■ No comment



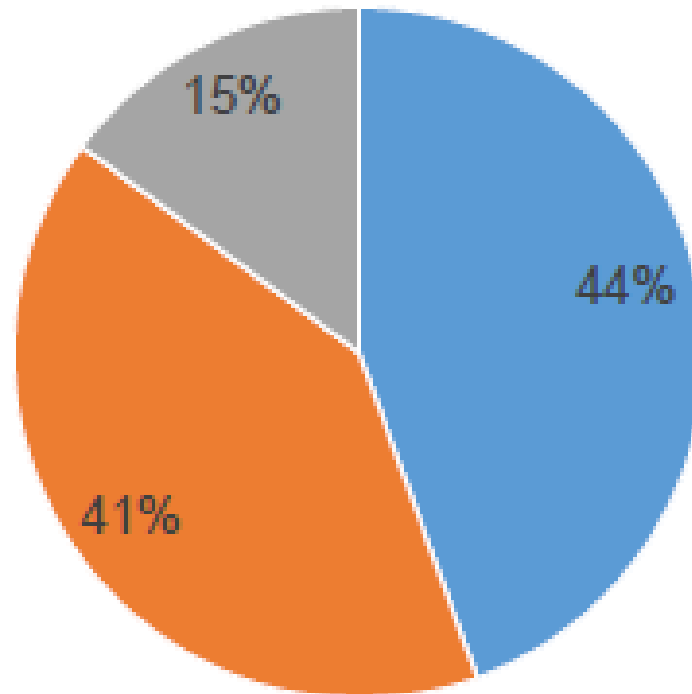
2B11iv. Does time allocation need to be modified?



■ Yes ■ Maybe ■ No comment



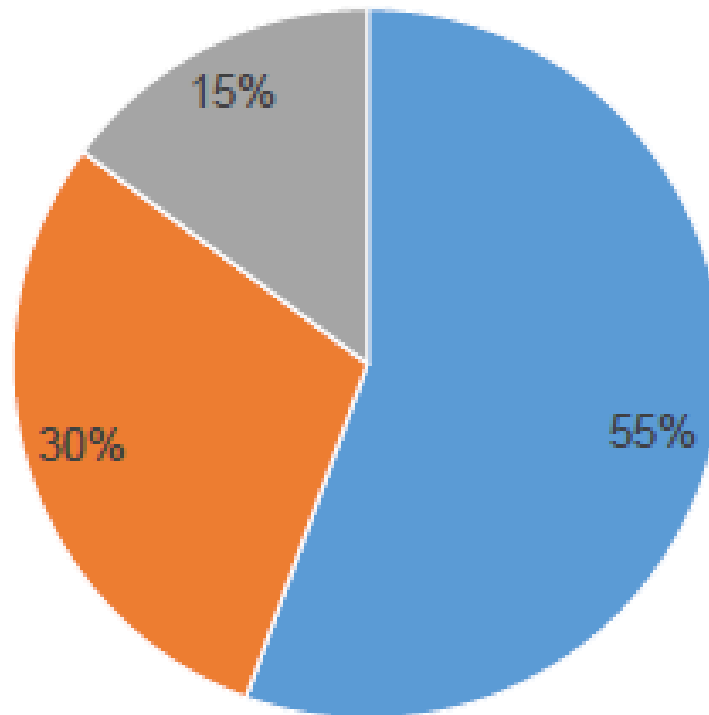
2B12. The length of speeches:



■ Change ■ Stay the same ■ No comment



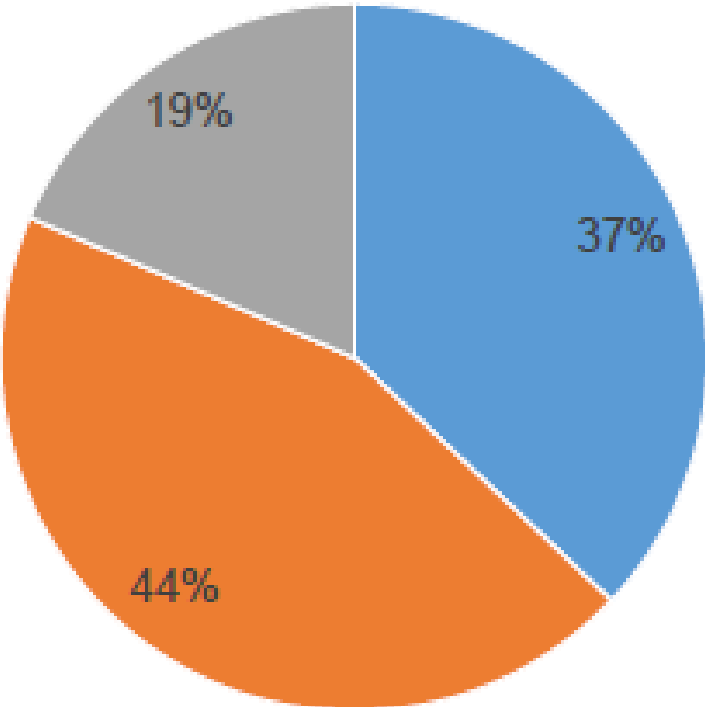
2B13. The resources available to committees:



■ Change ■ Stay the same ■ No comment



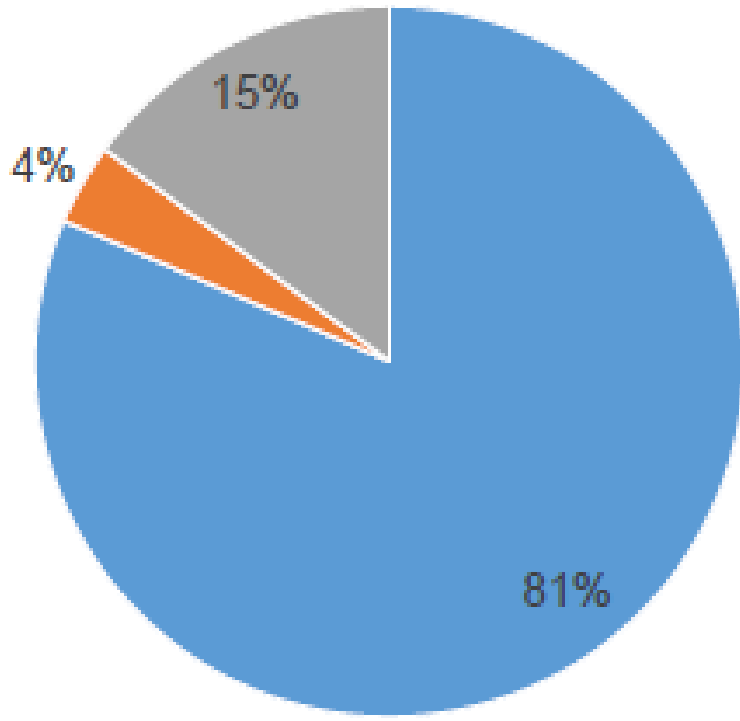
2B14. The resources available to Senators:



■ Change ■ Stay the same ■ No comment



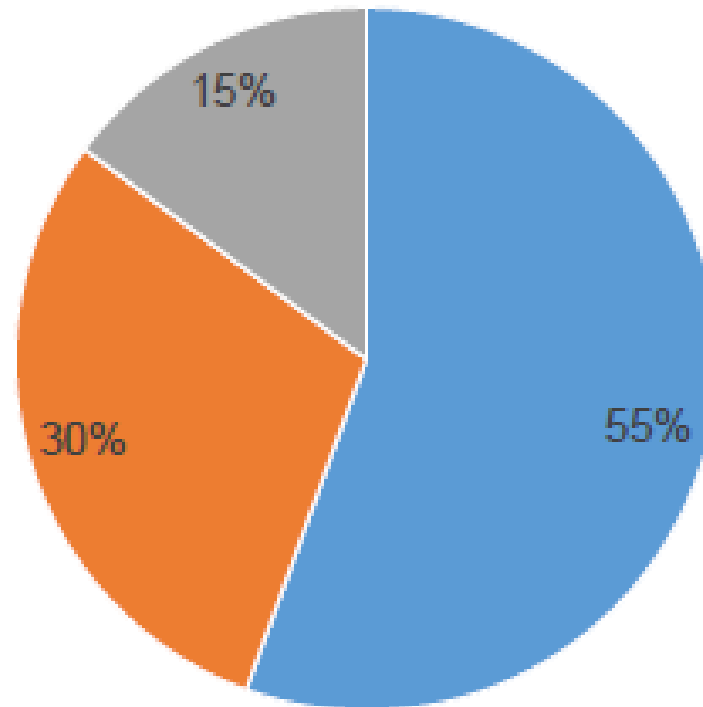
2B18. Senate regional caucuses:



■ Yes ■ No ■ No comment



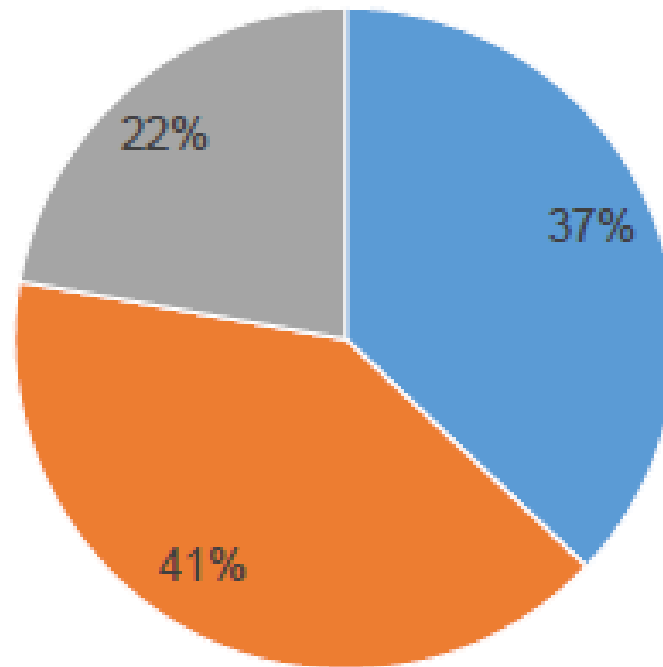
2B19. Televising/web casting Chamber proceedings:



■ Yes ■ No ■ Contingent on other changes



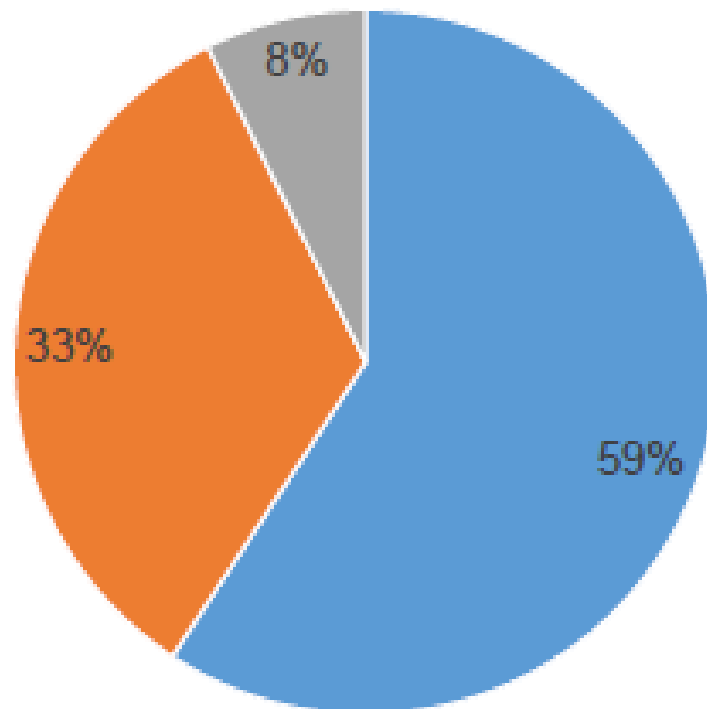
2B20. Electronic voting in the Chamber: should we conduct an experiment?



■ Yes ■ No ■ Not now



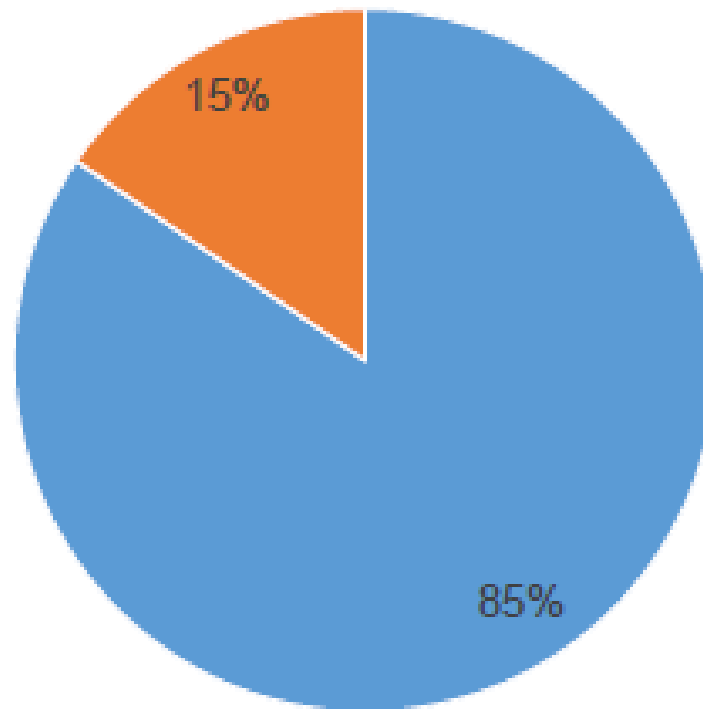
2B21. Whipped Votes: what is their role in the Senate?



■ No role ■ Somewhat of a role ■ No comment



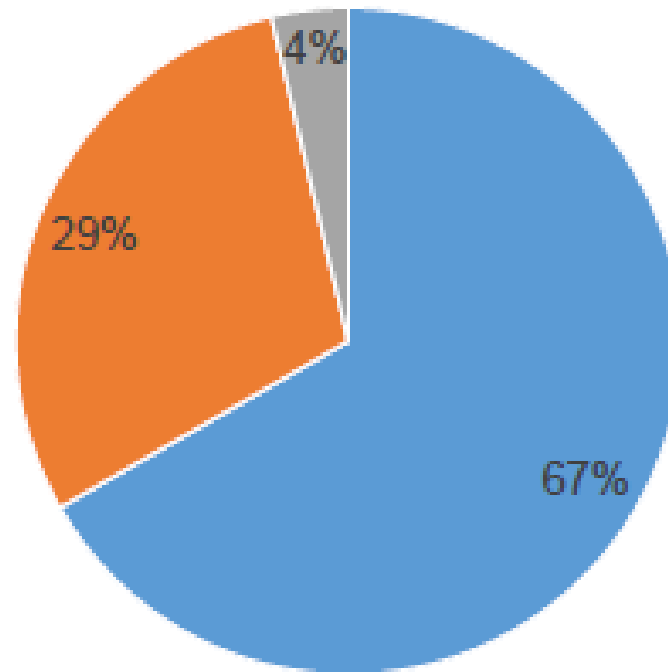
2B22. Committee chairs: How should they be selected?



■ Elected ■ Current practice



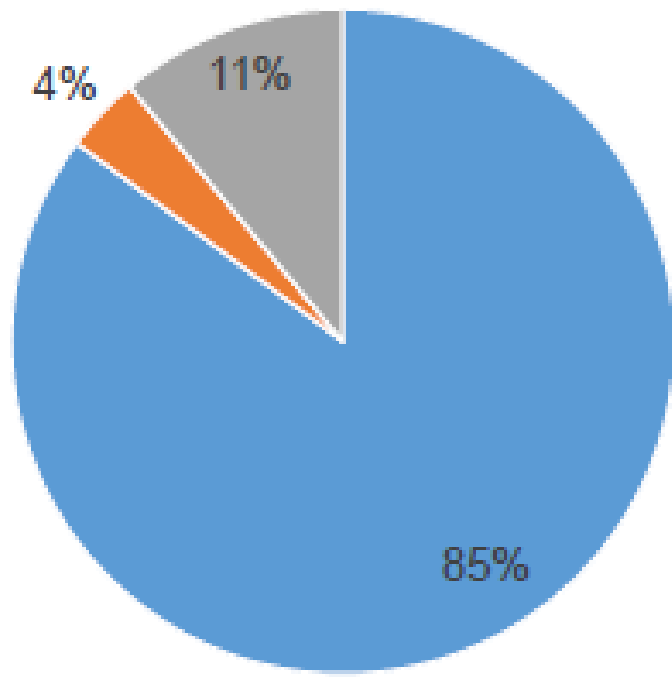
2B23. Committee participation: How should committee members be chosen and by whom?



■ Change ■ Stay the same ■ No comment



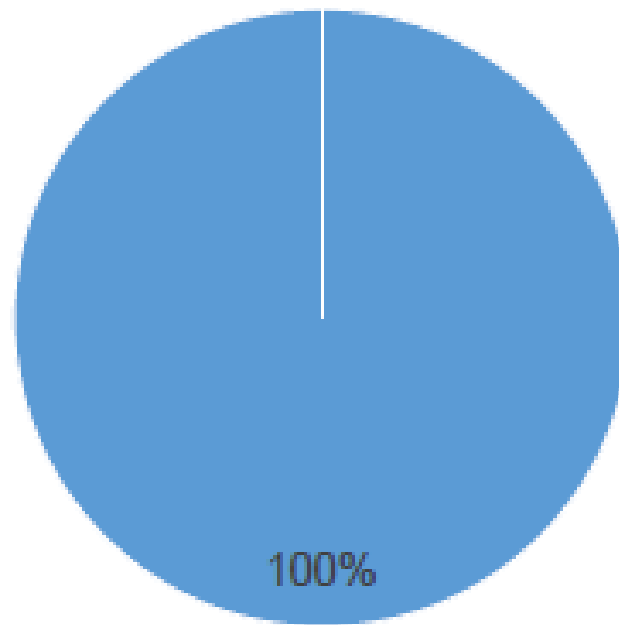
3A. Should the Senate be an example of democracy within its own operations?



■ Yes ■ No ■ No comment



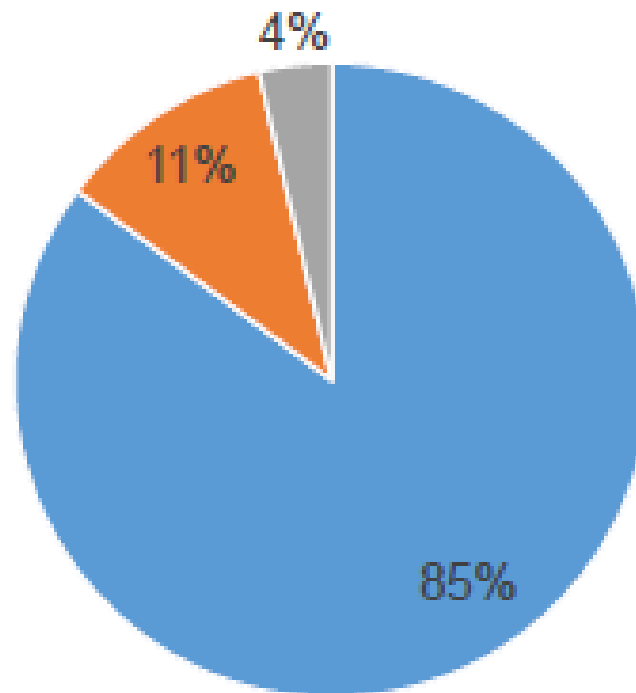
3B. If the answer to the question above is “yes,” should the Senate elect/propose its Speaker? Should the election be by secret ballot?



■ Yes



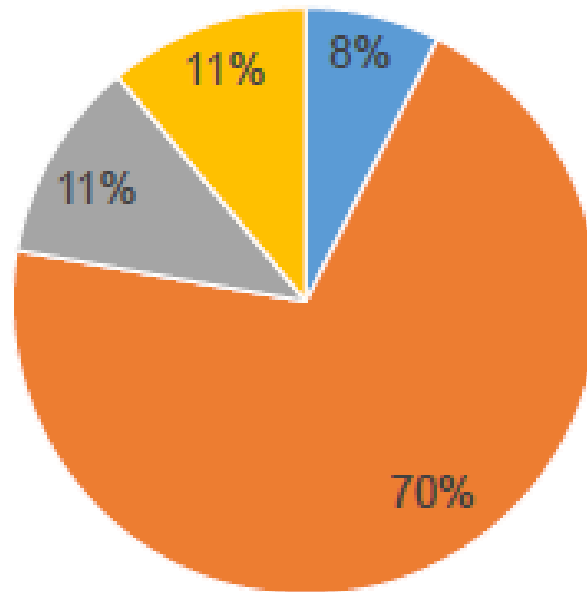
3C. Should the Speaker have a term limit? If yes, what is a reasonable limit?



■ Yes ■ Not sure ■ No comment



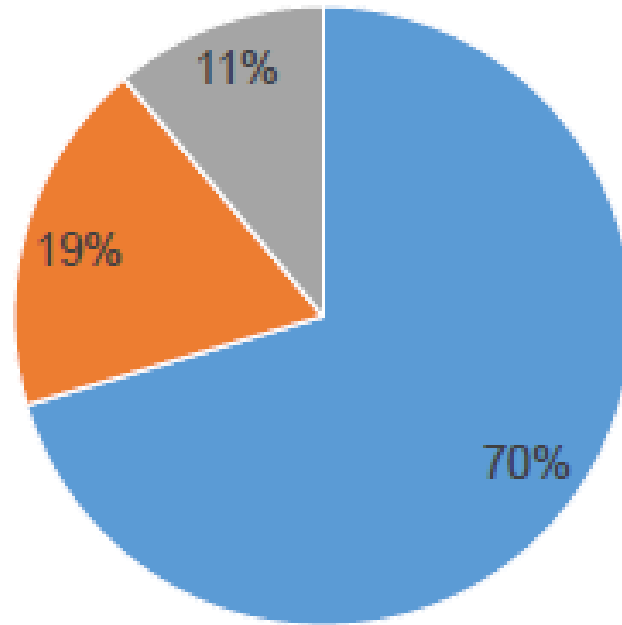
3D. Should we enable the Speaker to be the final word on Senate procedures and rules or should we maintain the Chamber's right to overturn the Speaker's rulings? If yes, under what conditions?



■ Speaker ■ Chamber ■ No comment ■ If the Speaker is elected...



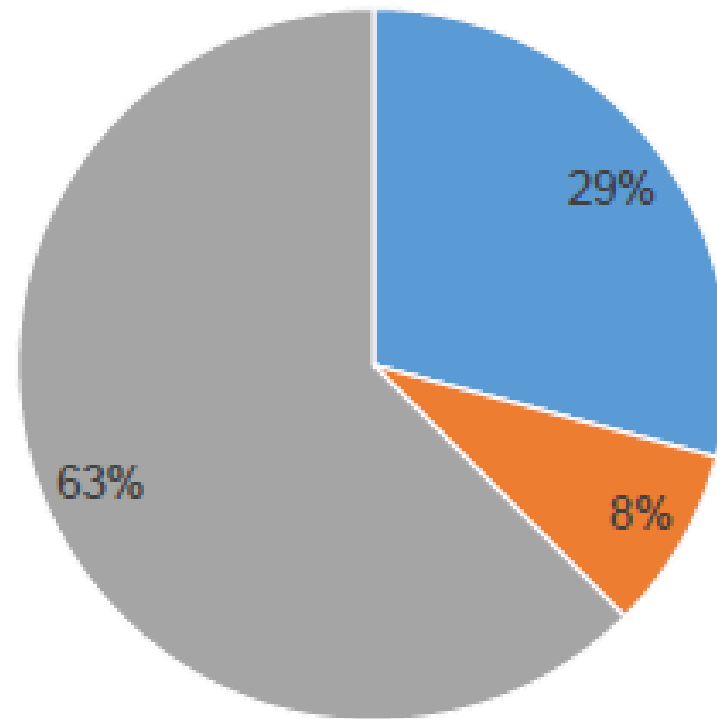
3E. Should Caucus officers be elected by Senators? If yes, should all of them be elected or should some be appointed? If yes, which ones elected or appointed?



■ Yes ■ Maybe/Hybrid ■ No comment



3F. Who should name the leaders of each Senate side?



■ Senators ■ Government ■ Caucus

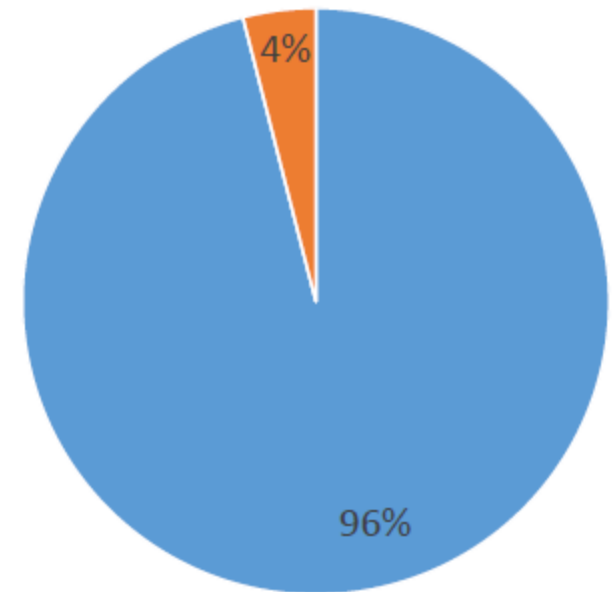


Building a Mission and Purpose Statement for the Senate



Building a Mission and Purpose Statement for the Senate

A1: Do you agree that the statements by John A. MacDonald of 150 years ago and the Supreme Court of Canada in 2014 are relatively consistent?

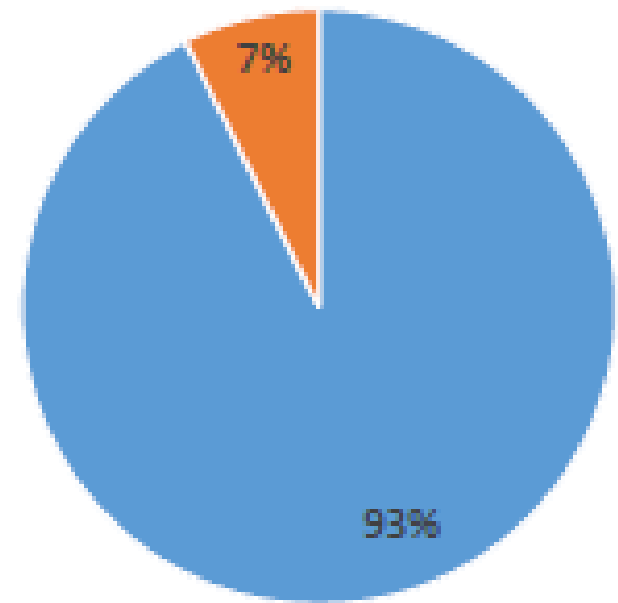


■ Consistent ■ Not Consistent



Building a Mission and Purpose Statement for the Senate

A2: Do you agree that the modern Senate of Canada, and any changes made to its operations and practices, must be consistent with the constitutional principles as laid down by John A Macdonald and the Supreme Court of Canada?

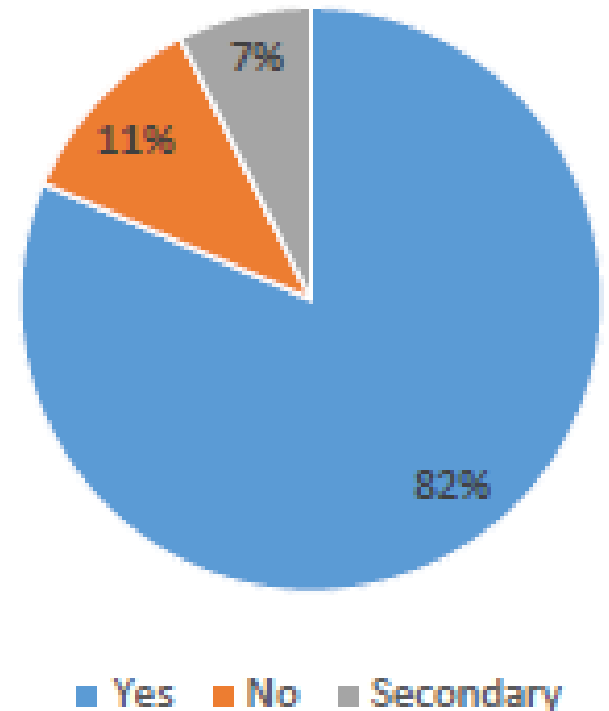


■ Agree ■ Disagree



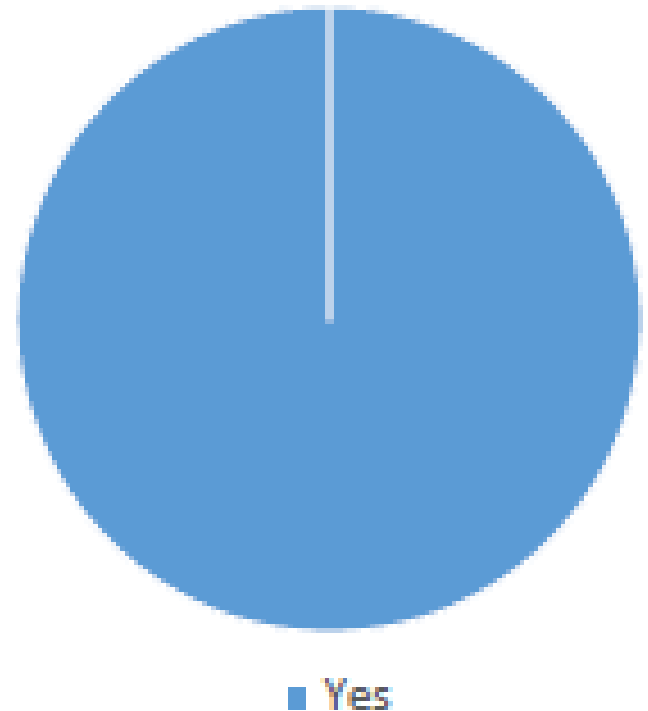
Building a Mission and Purpose Statement for the Senate

B1: Do you agree that a Senators' legislative role encompasses particular sensitivity to our regions, minorities and under-represented segments of our population, to seek and achieve the best possible legislation?



Building a Mission and Purpose Statement for the Senate

B2: Do you also believe that Senators' fundamental role and purpose includes work on Senate Committees to study and report on matters relevant to our society, to seek and achieve the best possible Committee reports? If not, please explain how you see this.



Building a Mission and Purpose Statement for the Senate

■ Draft Mission and Purpose Statement:

The Senate is the appointed Upper House in Canada's bicameral Parliament. The Senate plays an important complementary role to the elected House of Commons by:

- i. providing independent “sober second thought” to legislation, with particular respect to Canada's national interests, aboriginal peoples, regions, minorities and under-represented segments of Canada's population;
- ii. undertaking policy studies, reports and inquiries on public issues relevant to Canadians, and
- iii. understanding, sharing and representing the views and concerns of different groups, based on a Senator's unique perspective.

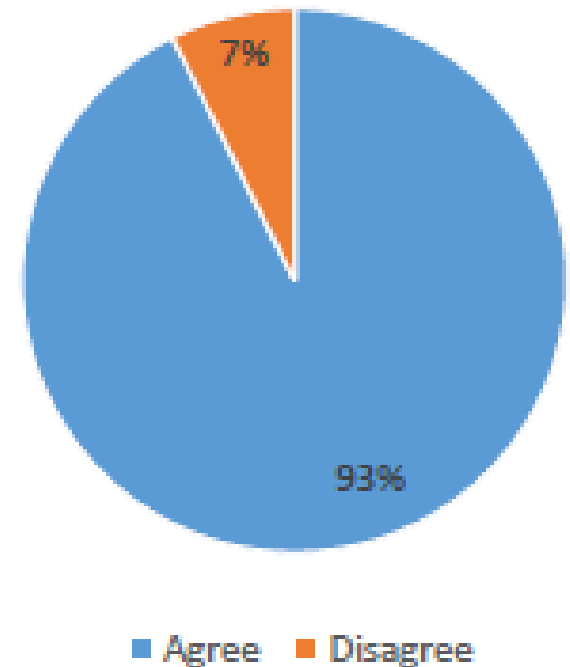


How to best integrate partisanship into our Senate?



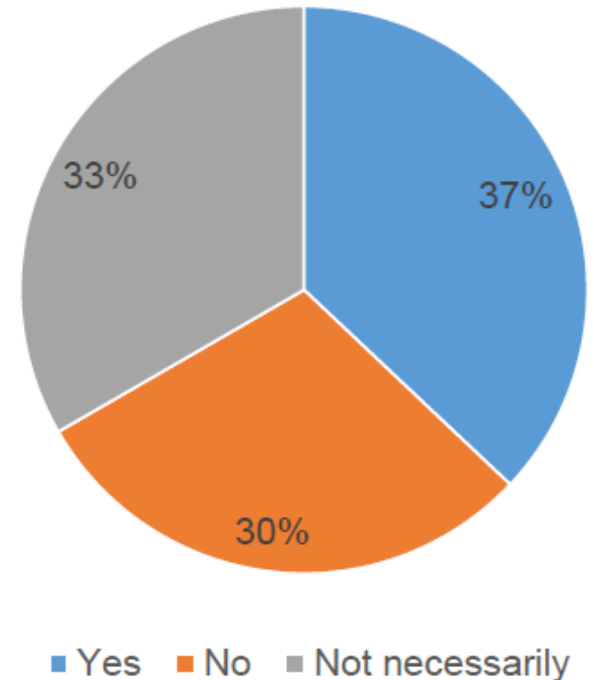
How to best integrate partisanship into our Senate?

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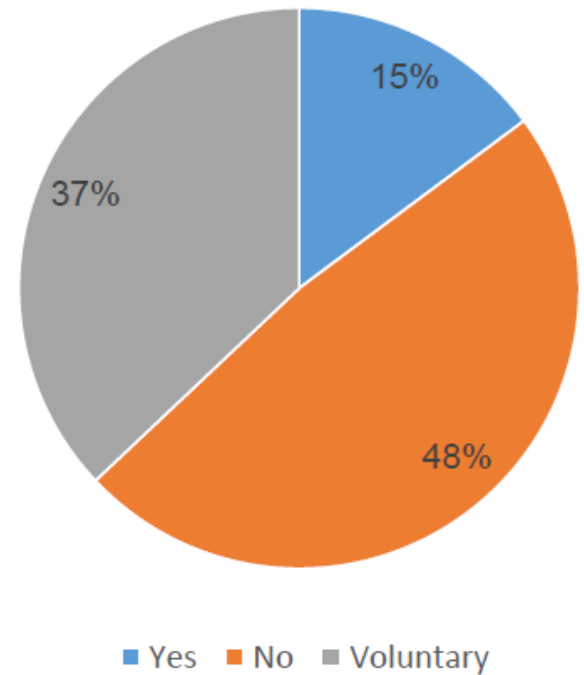
How to best integrate partisanship into our Senate?

**2B15: The role of partisanship:
Is there a need to identify Senators as belonging to a political party?**



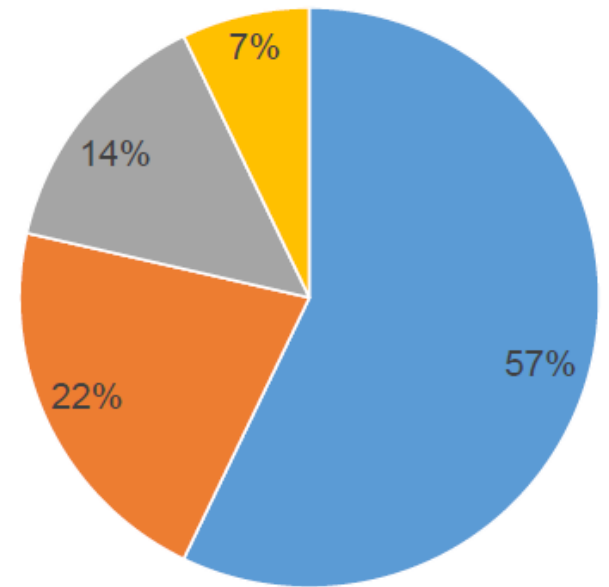
How to best integrate partisanship into our Senate?

2B16: Attendance at national caucus?



How to best integrate partisanship into our Senate?

2B17: Attendance at Senate party caucus?



■ Yes ■ No ■ Voluntary ■ No comment



How to best integrate partisanship into our Senate?

6A: What is your brief definition of partisanship?

- Partisanship: prejudice or bias in favor of a particular cause
- Commitment to a set of ideas and beliefs that are in a general way best represented by a specific party.
- Partisanship is where despite overwhelming evidence one continues to vote on ideology rather than logic or common sense.



How to best integrate partisanship into our Senate?

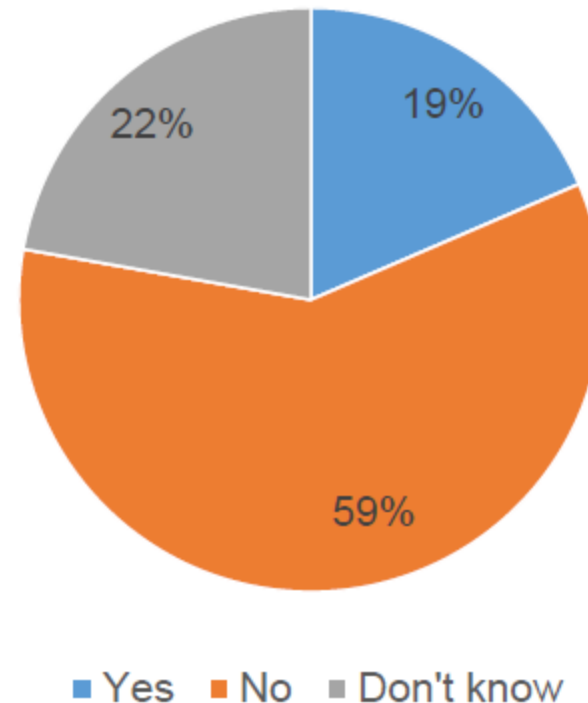
6B: What is its role and purpose in the Senate?

- Partisanship as an irrational bias in favour of a party doesn't belong in the Senate.
- It is a good management tool but can also get in the way.
- Its valuable mostly, as it provides predictable and stable results through a process driven by like minded individuals. It's destructive when it requires blind obedience to issues that need debate.



How to best integrate partisanship into our Senate?

6C: Should we try to define, perhaps as part of a code, what level of partisanship is and is not appropriate? If so, how would you define it?



How to best integrate partisanship into our Senate?

- How to best integrate partisanship into our Senate culture in a way that is consistent with our constitutional mandate of sober second thought?



*Sub-Group Sessions:
“Democracy in the Senate”
and “Senate Operations”*





Sub-group Sessions

“Democracy in the Senate”

General Issue: *Should the Senate be an example of democracy within its own operations?*

Group One: Selection of Committee Chairs and Committee Membership

How should committee chairs be selected and by whom?
How should committee members be selected and by whom?



Sub-group Sessions

“Democracy in the Senate”

Group Two: Party Identification: Important or not?

Is there a need to identify Senators as belonging to a political party? Should they attend National caucus? Senate party caucus?

Group Three: Whipped Votes: Do they have a role?

Do whipped votes have a role in the Senate? If so, what is that role and when should it be applied?



Sub-group Sessions

“Democracy in the Senate”

Group Four: Selection of the Speaker: Is he/she the final authority?

Should the Senate elect/propose its Speaker? If so, should it be by secret ballot? Should the Speaker have a term limit? If so, what should it be? Should we enable the Speaker to be the final word on Senate procedures and rules or should we maintain the Chamber’s right to overturn the Speaker’s rulings? If so, under what conditions?



Sub-group Sessions

“Democracy in the Senate”

Group Five: Caucus Officers: Selection and Role

Should caucus officers be elected by Senators? If yes, should all of them be elected or some appointed and which ones?

Sub-Group Session *“Senate Operations”*





Sub-group Sessions “Senate Operations”

This session focused on the daily and sessional operations of the Senate.

Group One: Question Period

Should we eliminate, change or maintain:
Question Period? Members’ Statements?



Sub-group Sessions “Senate Operations”

Group Two: Order Paper Issues

Should we change the structure of the Order Paper to enable debate grouping?

Would you continue the current discussion of bills, with the often-used adjournment of discussion?

Would you rather see a lumping of discussions with defined breaks in a defined schedule to allow Senators to further research, develop and finalize their opinions with full knowledge of the schedule?



Sub-group Sessions *“Senate Operations”*

Group Three: Relationships and Communications Issues

Should we televise/web cast Chamber proceedings?

Are there specific ideas for improving non-partisan Senate relationships and communications?

Would regional caucuses or seating be a good vehicle?



Sub-group Sessions *“Senate Operations”*

Group Four: Issues that affect how the Senate is different from the House of Commons

Should the Chamber seating plan follow partisan principles or other principles?

To what extent should the Senate calendar follow the House of Commons calendar?

Is the Senate’s daily calendar an efficient use of time?



Sub-group Sessions *“Senate Operations”*

Group Five: Senate Standing and ad hoc Committees

Are there too many committees or not enough?

Should committees be smaller?

Should committees have greater communications resources?

Should more ad hoc committees on public issues be struck?

*Issues and Ideas where
broad support was
achieved*



Building a Mission and Purpose Statement for the Senate

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- ii. undertaking policy studies, reports and inquiries on public issues relevant to Canadians, and
- iii. understanding, sharing and representing the views and concerns of different groups, based on a Senator's unique perspective.





Issues and Ideas where broad support was achieved

SPEAKER SELECTION AND AUTHORITY:

The Senate should:

Choose by election and secret ballot the Senator who shall be proposed for consideration by the Governor General for appointment as Speaker of the Senate for a term of up to three years.

Rulings by the Speaker on interpretation of the Rules shall be subject to challenge by the Assembly.



Issues and Ideas where broad support was achieved

QUESTION PERIOD:

Senators should seek a more efficient use of their time by realigning Question Period to focus on key issues of committee work, committee reports and other key issues relating to the work affecting committees. In this way, the name of *Question Period* should change to *Issues Period*.

Further, from time to time, Ministers, and Officers of Parliament should be summoned to the floor of the Senate to respond to questions of Senators on issues under their responsibility.



Issues and Ideas where broad support was achieved

MEMBERS' STATEMENT:

Statements are important and should continue to broadcast good and current news. Senators should be respectful and informed on the rules and should avoid opinion or debateable issues within the time outlined in the Rules.

RETIREMENT TRIBUTES:

Should be limited to a short thank you by the Leaders. All other speeches should be done at the Speaker's reception.



Issues and Ideas where broad support was achieved

BROADCASTING, COMMUNICATIONS AND RELATIONSHIPS:

The Senate should televise and webcast its proceedings.

REGIONAL CAUCUSES:

From time to time, informal regional caucuses should meet.



Issues and Ideas where broad support was achieved

ORDER PAPER ISSUES:

Senators should receive the specific Order Paper instead of the general Order Paper.

Senators should only be able to adjourn a Private Members' Bill, Senate Bill, or motion for 15 days only once.
Rule 6-10(2) should be amended accordingly.

The listing of items on the Order Paper should be expressed more clearly and should be easy to follow.



Issues and Ideas where broad support was achieved

ORDER PAPER ISSUES (cont.):

All reference to “stand” should be avoided, but the ability for Senators to speak to every item should be maintained according to following procedure:

Each day, a Senator who wishes to speak to a matter should give “notice” to their respective Deputy Leaders or the Speaker. As the Chamber’s work begins, each “noticed item” should be discussed first in succession, with the Senator giving notice speaking, followed by any Senator who feels prompted to respond. Once all “noticed items” are called, the Clerk should call all skipped “non-noticed” items, giving Senators the chance to speak to these items. If no Senator speaks to a “non-noticed item”, no other items would be called and the session would be adjourned.



Issues and Ideas where broad support was achieved

ELECTING CAUCUS OFFICERS:

Senate caucuses should elect all officer positions by secret ballot at intervals determined by each caucus.



Issues and Ideas where broad support was achieved

COMMITTEE MEMBERSHIP AND CHAIRS:

For each Session of Parliament, the Senate shall choose committee members according to the following procedures:

- A selection committee shall be elected by the Senate as a whole, on a secret ballot vote according to guide lines agreed to by the leadership of the recognized political parties in the Senate.
- Internal economy shall be elected by the Senate as a whole, on a secret ballot vote according to guide lines agreed to by the leadership of the recognized political parties in the Senate.



Issues and Ideas where broad support was achieved

COMMITTEE MEMBERSHIP AND CHAIRS (cont.):

- Membership of the Selection Committee shall have representation from the four Senate Divisions of Canada.
- The selection committee shall exercise its powers and populate Senate committees and subcommittees according to guidelines agreed to by the leadership of the recognized political parties in the Senate.



Issues and Ideas where broad support was achieved

COMMITTEE MEMBERSHIP AND CHAIRS (cont.):

- The selection committee shall be responsible for all permanent committee membership changes.
- Once formed, the Committees shall elect their own chairs, vice-chairs and third members of steering committee by secret ballot according to guidelines agreed to by the leadership of the recognized political parties in the Senate.
- This process shall be reviewed after one year of operation.



Issues and Ideas where broad support was achieved

SENATE STANDING AND AD HOC COMMITTEES:

- The Senate should take advantage of its ability to promptly examine and highlight high profile/current issues with existing committees or special committees where necessary.
- Committees are the “crown jewels” of the Senate and therefore, in an effort to continuously strengthen this asset, the Senate should more actively review the mandate, size and composition of Standing Committees (ie. Not always maximum).
- Committee reports should receive a significant communications budget to promote the work, including social media and outreach by all committee members.

*Outstanding important issues
without consensus at the
time
(or not pursued)*





Outstanding important issues without consensus at the time (or not pursued)

- No whipping of votes: exceptions
- Political party participation:
 - National conferences
 - National caucus
 - Regional caucus



Outstanding important issues without consensus at the time (or not pursued)

- Equal treatment of all Senators including independent Senators (participation and funding)
- Regional Caucuses



Outstanding important issues without consensus at the time (or not pursued)

- Omnibus Bills
- Timeframe for decision on Bills and final authority of the House of Commons on our amendments

Essential components of a modernized Senate





Essential components of a modernized Senate

- Modernization of “Democracy in the Senate” and “Senate Operations” as outlined.
- Financial integrity and accountability (also raised by the 2015 report of the Auditor General): already under study by the Senate’s Committee on Internal Economy, Budgets and Administration.



Essential components of a modernized Senate

- **Effective communication and transparency:** already under study by the Senate's Committee on Internal Economy, Budgets and Administration.
- **Strong and coherent ethics guidelines and measures of discipline:** on-going study by the Senate's Committee on Ethics and Conflict of Interests for Senators.

