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# WORKING SESSIONS ON SENATE MODERNIZATION REPORT

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DECEMBER 11, 2015  
PARLIAMENT HILL  
OTTAWA

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# MODERNIZATION OF THE SENATE QUESTIONNAIRE

## 1. Our Mission and Purpose

A. In defining the proposed Senate’s constitutional role, 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.

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?

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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?

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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?

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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?

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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?

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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 role and Committee work.

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**2. Best Organization and Procedures to Achieve our Goals**

A. 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?

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B. In your ideal Canadian Senate, do you have comments with respect to:

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

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

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

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

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B5. Member's Statements: are they important?

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B6. Question Period:

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B7. The Order Paper:

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B8. The progress of Government legislation:

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B9. The progress of private member's bills:

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B10. The progress of Senate bills:

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B11. The flow of Chamber Debate:

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i) 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?

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

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iii) 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?

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iv) Does time allocation need to be modified?

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B12. The length of speeches:

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B13. The resources available to committees:

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B14. The resources available to Senators:

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

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B16. Attendance at National Caucus:

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B17. Attendance at Senate party caucus:

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B18. Senate regional caucuses:

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B19. Televising/web casting Chamber proceedings:

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

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

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B22. Committee chairs: How should they be selected?

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

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### 3. Selection of Senate Officers and Leaders

#### In this ideal organization of the Senate and Committees:

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

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

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

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D. 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?

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E. 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?

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

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G. While with respect to the progress of Government legislation, it should be clear who the Government Leader in the Senate is and what his/her role is, but should the Government Leader in the Senate have a role on issues outside of Government legislation?

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**4. Appointment of Senators**

Should the Senate establish a committee to propose, in a manner consistent with the Supreme Court decision, how Senators could be chosen?

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**5. Obstacles/Improvements to our current Senate procedures and rules to allow the best available legislation and Committee reports**

Should we more specifically define Senators' individual roles and contributions to Canada beyond our more formal role and objectives? Should the Senate be funding such activities? Explain please.

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**6. Partisanship**

A. What is your brief definition of partisanship?

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B. What is its role and purpose in the Senate?

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C. 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?

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### 7. Creating Change

Assuming that at the October meeting we are able to reach consensus on some basic ideas, how do you see us moving our ideas forward?

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### Other comments:

If you are coming to our October session, what are your goals? What results would you like us to achieve?

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# WORKING SESSIONS ON SENATE MODERNIZATION AGENDA

OCTOBER 26-28, 2015  
ABORIGINAL COMMITTEE ROOM, 160-S, CENTRE BLOCK  
PARLIAMENT HILL, OTTAWA

## 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 a modern Canadian Senate."*

## 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”*

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*5:00 p.m. – 5:30 p.m. Day Two Wrap-up and Take Away: “Building a plan for a modern Canadian Senate.”*

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**WEDNESDAY, OCTOBER 28, 2015**

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

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

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

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*2:45 p.m. – 3:45 p.m. Next Steps*

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

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## DAY 2 WORKING GROUPS

### 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?

#### **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?

#### **GROUP FOUR: SPEAKER SELECTION AND AUTHORITY; FINAL WORD ON RULINGS?**

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?

#### **GROUP FIVE: CAUCUS OFFICERS: SELECTION AND ROLE**

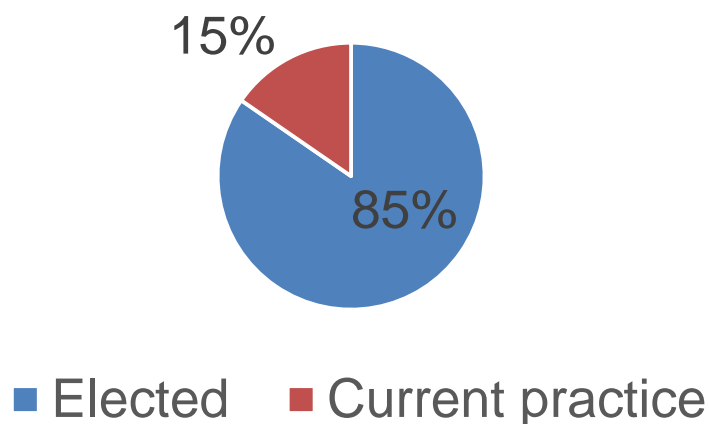
Should caucus officers be elected by Senators?

If yes, should all of them be elected or some appointed and which ones?

## 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?

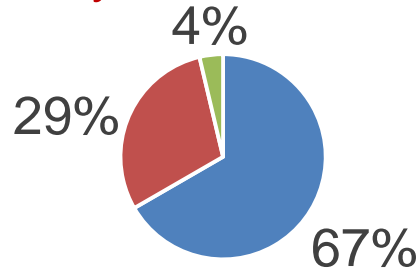
### 2B22. Committee chairs: How should they be selected?



#### Selected questionnaire answers:

- By a non-partisan election by all members.
- I think the leader has a role to play in selection, to be confirmed by the committee- this is as it is now.
- Elected by the entire Senate with the convention that the minority gets some chairs.
- By committees following a non-partisan vote (see Chapter 12 Committees of the attached 'Proposal to Transform the Senate of Canada' )
- By election of the Committee members.

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



■ Change ■ Stay the same ■ No comment

### Selected questionnaire answers:

- Recommended by an independent non-partisan committee but voted upon in the Senate, committee by committee.
- I think the system as it is now is acceptable and practical.
- I think that committee selection should be done by a meeting between the Chair of the committee, Vice-Chair, and Senate leadership working to achieve a balance of geography, interests, and expertise. Alternatively, if Senate leadership is elected by the Senate caucus, leadership could be delegated the authority to appoint committee members if that is preferred by their caucus.

### Rule changes to consider:

The Parliament Act empowers political parties to name the Chair of Internal Economy. Otherwise, the Rules of the Senate differ from actual practice:

The powers of the Committee of Selection are:

**12-2.** (4) The Committee of Selection is empowered to inquire into and report on any other matter referred to it by the Senate, and also has the power to:

- (a) to publish from day to day such papers and evidence as may be ordered by it;
- and (b) to propose to the Senate from time to time changes in the membership of a committee.

**Cultural changes to consider:**

The method to populate committees has followed a convention. The powers of the Selection Committee have become dormant.

## GROUP TWO: PARTY IDENTIFICATION: IMPORTANT OR NOT?

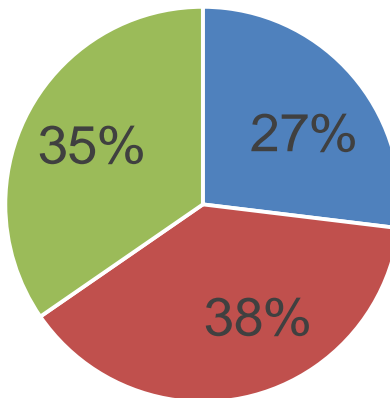
### PARTY IDENTIFICATION: IMPORTANT OR NOT?

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

Three answers touched on how Senators should relate to their party. While answers were divided on the question of belonging to a party or whether Senators themselves should caucus, there was a consensus that National caucus should either not be attended by Senators, or else could be on a voluntary basis.

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

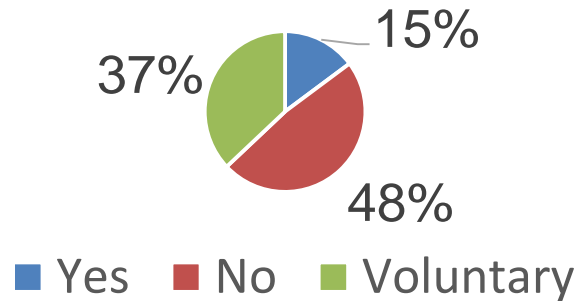


■ Yes ■ No ■ Not necessarily

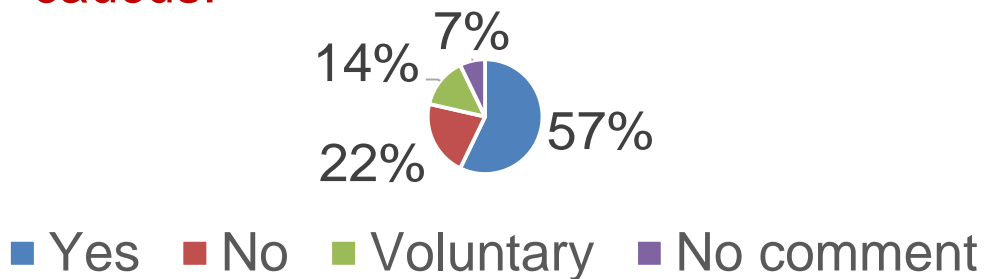
**Selected questionnaire answers:**

- That should be up to the parties. I like the U.K. system better. The 3 categories.
- I have no difficulty with Senators declaring their general political philosophy identity but in a new Senate.
- Organization there would be no need to have such identity tied to Senate business operation.
- Internal communication in the Senate is very dependent on Caucuses.
- Yes, if we so choose - idea generation of like-minded people.

**2B16. Attendance at National Caucus**



**2B17. Attendance at Senate party caucus:**



### **Selected questionnaire answers:**

- Senators should not caucus with MPs from the House. Being in a club together lessens our tendency to vote no to the House and to think/ suggest independently.
- Should be entirely voluntary.
- Attending National Caucus should be voluntary, not mandatory like it is now for Conservatives.
- Should not be attending any partisan meeting, unless as a strict personal manner.

### **Rule changes to consider:**

There is no rule currently obliging any Senator to attend national caucus other than the policy of the Conservative Party.

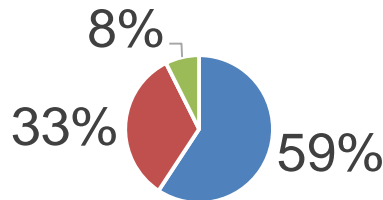
### **Cultural changes to consider:**

Despite being a matter of discretion for Senators, there has been a long tradition of identifying as a party member and attending both National caucus and Senate 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?

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



■ No role

■ Somewhat of a role

■ No comment

#### Selected questionnaire answers:

- Within reason they can be administered.
- Only necessary on 3-line whip items -- e.g. budget or questions of confidence.
- They are needed on matters of vital Government legislation.
- As a consequence of the Constitutional roles and responsibilities that all Senators have sworn to uphold and honour, there should be none.

#### Rule changes to consider:

There are currently no rules in place governing the powers and role of a party whip or how a party maintains voting discipline amongst party members.

#### Cultural changes to consider:

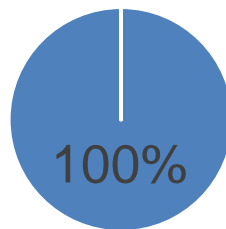
Senators are free to recalibrate how whipped votes are exercised in the Senate.



## GROUP FOUR: SPEAKER SELECTION AND AUTHORITY; FINAL WORD ON RULINGS?

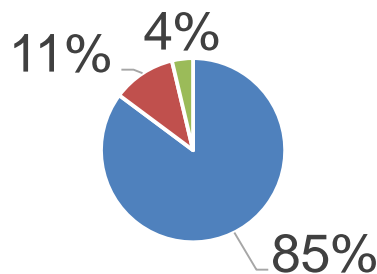
Should the Senate elect/propose its Speaker? If so, should it be by secret ballot? Should the Speaker have a term limit? If so, what should it be? Should we enable the Speaker to be the final word on Senate procedures and rules or should we maintain the Chamber's right to overturn the Speaker's rulings?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

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



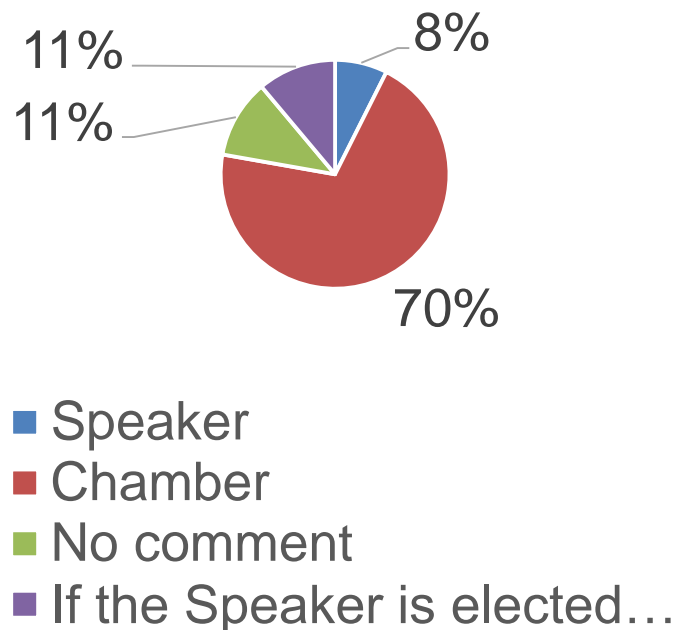
■ Yes

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?



#### Selected questionnaire answers:

- The Senate should elect/propose its Speaker by secret ballot. The Speaker's duties include moderating Senate debate and representing the Senate. The Senate should have some suggestion as to who fills that role as we are all affected by how the Speaker runs the chamber and how the Speaker makes the Chamber look. Electing a Speaker by way of a secret ballot ensures that the Speaker is accountable to the Chamber at large.
- If the Speaker is elected or proposed by the Senate, he/she should be the final word on procedures and rules. If the Speaker is not selected by Senators, the Senate should have the right to overturn his/her decisions.
- I believe the Speaker should be the final word. Period.

**Rule changes to consider:**

The current nomination of the Speaker is the responsibility of the GG according to the Constitution. Constitutional change is beyond the scope of the meeting.

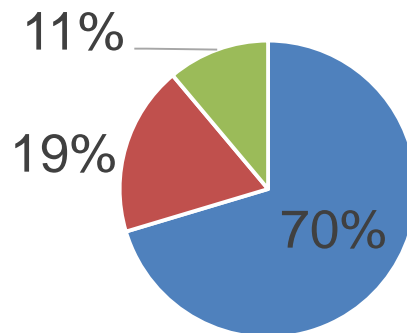
**Cultural Changes to consider:**

The GG exercises this power through the Letters Patent, which gives legal authority to the GG to make appointments based on advice from the PM, or any interested party. Because the Senate has an interest in this issue, the Senate is free to advise the GG on its preference, and the GG is free to listen or ignore, based on their own wisdom.

## 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?

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

### Selected questionnaire answers:

- Caucus chairs should be elected. Their role and attributions should be broadened. They should sit on the Committee on Internal Economy.
- Yes. All elected by the caucus, except for the political "leaders/lobbyists" whose job is to convince us of the merits of their party's position on these bills.
- All caucus members should be elected by the Senators. No appointments....
- Caucus officers should be elected by Senators. This should include the Leader of the Government in the Senate as he or she is the most prominent figure in the Senate.

**Rule changes to consider:**

There are no rules currently governing how caucus officers are chosen.

**Cultural changes to consider:**

A free vote amongst caucus members is the decision of the caucus. A caucus can also decide whether or not to formally define the responsibilities and obligations of caucus officers.

## DAY 3 WORKING GROUPS OPERATIONS OF THE SENATE

**This session will focus on the daily and sessional operations of the Senate.**

### **GROUP ONE: QUESTION PERIOD AND MEMBERS' STATEMENTS**

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

### **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. Should time limits be placed on Government legislation, PMBs, or Senate bills immediately when the bill is introduced? Should final votes be scheduled weeks in advance?

### **GROUP THREE: COMMUNICATIONS AND RELATIONSHIP 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?

### **GROUP FOUR: DIFFERENCES BETWEEN THE HOUSE OF COMMONS AND THE SENATE**

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?

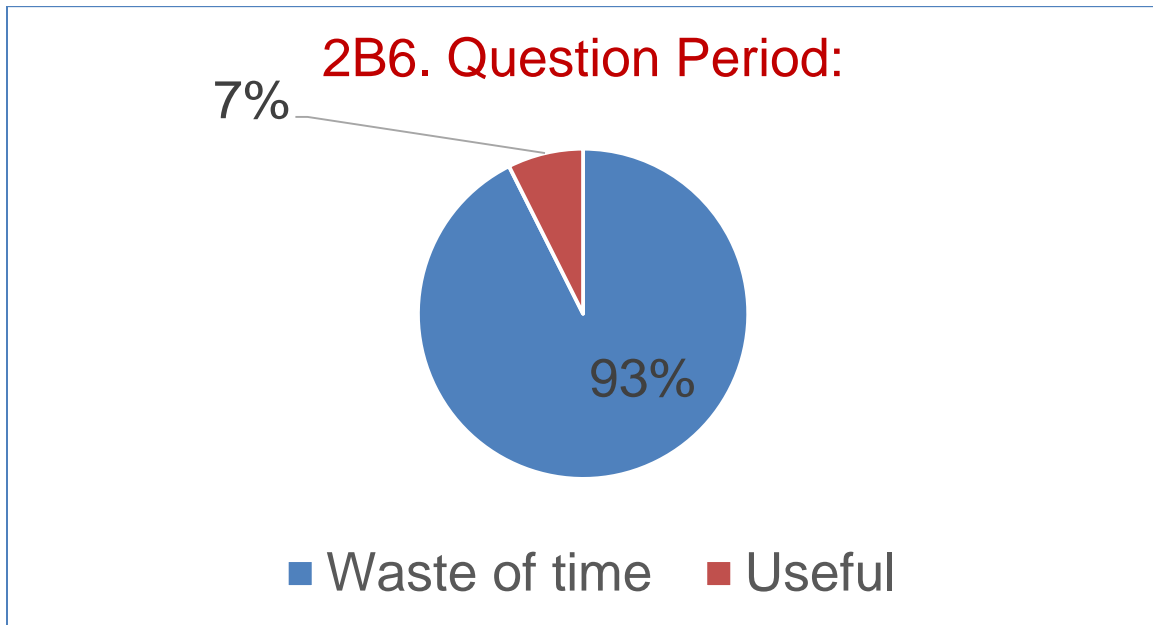
### **GROUP FIVE: SENATE STANDING AND AD HOC COMMITTEES**

Here are the specific questions this group should seek to answer:

- 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?

## GROUP ONE: QUESTION PERIOD AND MEMBERS' STATEMENTS

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



### Selected questionnaire answers:

- It should be abolished. Once in a while, we could use this period to ask questions on the work of committees.
- I believe in completely eliminating it. Once we have done that, and spent a few months without one, we can determine if we need a QP in a different form.
- As long as we continue to have a Government Leader or Cabinet Minister in the Senate they need to be able to answer questions.
- It should either be eliminated or focused on Senate Committee business. Perhaps one day a week could be devoted to questions on government matters directed to a member of the Privy Council (rather like the UK Prime Minister's weekly question period).
- It serves no useful function and underscores the weakness, not the strength of the, of the Senate. It might have made sense in other times, but it does not make sense now. It would be interesting to know what happens in other federal states with bicameral legislatures, but absent a much-improved

mechanism that is relevant to our principal functions and strengths, I will not miss it.

- Important. It presents opportunity for government to be held accountable for its actions/inactions on issues besides legislation.

#### **Rule changes to consider:**

**4-8.** (1) During Question Period, a Senator may, without notice, ask a question of:

- (a) the Leader of the Government, on a matter relating to public affairs;
- (b) a Senator who is a Minister, on a matter relating to that Senator's ministerial responsibility; or
- (c) a committee Chair, on a matter relating to the activities of the committee.

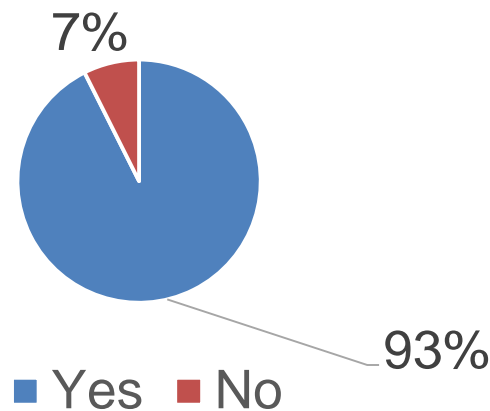
Cultural Change:

Simply stop asking questions of the Leader, shame any Senator who asks a partisan question to the Leader, shame the Leader when they deliver political talking points.

#### **Cultural changes to consider:**

Senators replicate the Question Period practice from the House of Commons practice.

### **2B5. Members' Statements: are they important?**





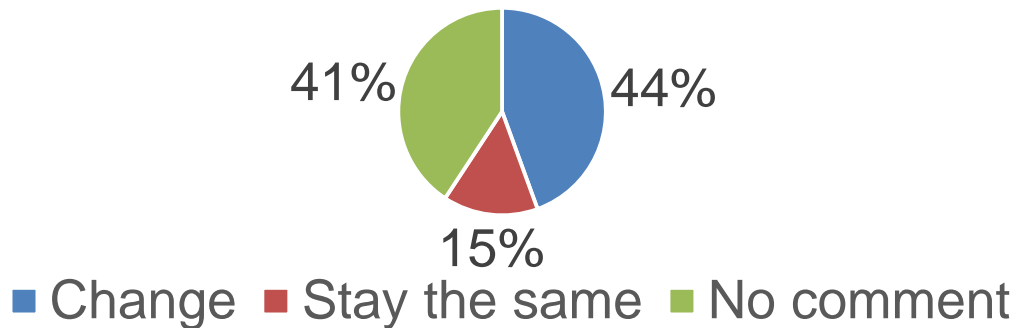
### **Selected questionnaire answers:**

- No. Eliminate them. They are self-servicing and a monumental bore.
- Statements enable Senators to focus attention on specific regional events. I believe the fifteen minutes reserved for statements is sufficient.
- They can be important if used properly. Too often they are used for a personal reason.
- Yes, but guidance should be given. They should be confined to raising issues Parliament needs to hear about, consider or understand, not be about personal achievements or stories.
- Yes, but the personal agendas often demean the Senate's role.
- Not dramatically, but they frequently are appreciated by constituents.

## 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 discussion with defined breaks in a defined schedule to allow Senators to further research, develop and finalize their opinions with full knowledge of the schedule. Should time limits be placed on Government legislation, Private Members' Statements, or Senate bills immediately when the bill is introduced? Should final votes be scheduled weeks in advance?

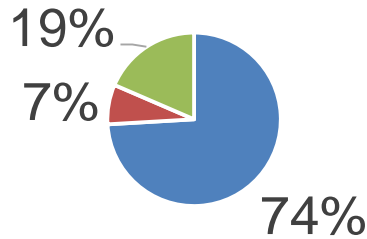
### 2B7. The Order Paper:



### Selected questionnaire answers:

- Modernize with key issues focusing on legislation and committee work.
- The order of business is fine, but a copy of the Daily Scrolls should be given to all Senators so everyone is aware of what the House Leaders have agreed to deal with on any particular day.
- Streamline to speed up the process.

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...



■ Change ■ Stay the same ■ No comment

#### Selected questionnaire answers

- On first glance it would appear to be beneficial to have defined breaks to enable further research or preparation work.
- Pre-determined time frames/schedules most definitely are required - this would negate the current frequency of the often-used adjournment of discussion.
- I would change the current process and create a defined schedule so that there is certainty around when people are speaking. This will prevent members from delaying a bill from moving forward and also create more certainty around the Senate schedule.
- Perhaps upon adjournment, the adjourning Senators must speak on the item within a set period of time.

#### Rule changes to consider:

Adjournment is governed by the following rules:

#### Motion to adjourn Government Business

**6-10.** (1) If a motion to adjourn debate on an item of Government Business is

adopted, the item shall be an order of the day for the next sitting and shall not stand in the name of any Senator.

### **Motion to adjourn Other Business**

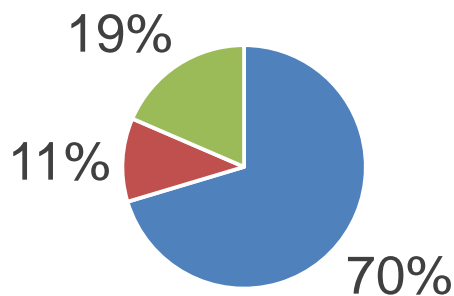
**6-10.** (2) If a motion to adjourn debate on an item of Other Business is adopted, the item shall be an Order of the Day either for the next sitting or for the day specified in the Motion to Adjourn. The item shall stand as an Order of the Day in the name of either the Senator who moved the Motion to Adjourn Debate or another Senator whose name was specified in the Motion to Adjourn Debate.

Senators are always free to suspend a rule:

### **Cultural changes to consider:**

Much of the debate schedule is organized by negotiations between caucus leadership groups.

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

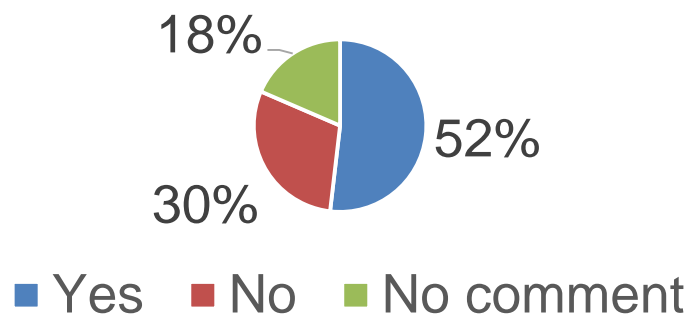


■ Change ■ Stay the same ■ No comment

### Selected questionnaire answers:

- The Senate private members' Bills are a waste of time for the Canadian Taxpayer.
- We need to fix this so we can confidently deal with all PMBs in a timely fashion, including passing, amending and defeating them as we see fit. I think if we go about doing our job with PMBs, the House will adjust their process to allow amended PMBs to be dealt with in a better fashion.
- Private members' bills should have third priority.
- The Senate generally has a more fluid process for the advancement of PMB's than the house does. I believe that there are moments when too much time is spent at committee on a specific PMB. I believe that we should set a standard number of committee witnesses that we hear for each PMB, once those are heard we should vote and move on unless the committee votes to hear further witnesses for more information. This will prevent us from spending multiple weeks on a PMB without a good reason. We should have an obligation to address with reasonable dispatch.

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



### Selected questionnaire answers:

- No, because allowance must be given to the crazy MP or Senator who has an axe to grind, or other eventualities.
- Time allocation is not a democratic practice. In an ideal world, there would be no time allocation and no delaying tactics.
- I believe the House of Lords has a time limit with government legislation. If the Senate doesn't like a bill, it should be amended and sent back, not delayed.
- On Government legislation yes. Not on PMB or Senate bills.
- This could be a good mechanism for making sure we deal with all legislation sooner rather than later, or worse -never.
- Yes - legislative death through attrition is not the answer - this practice denigrates the role, reputation and credibility of the Senate institution.

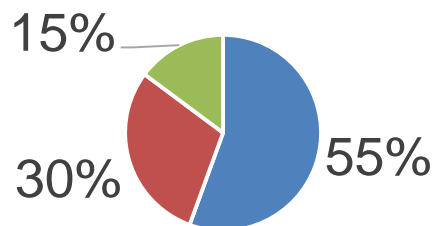
## GROUP THREE: COMMUNICATION AND RELATIONSHIP ISSUES

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?

### 2B19. Televising/web casting Chamber proceedings:



■ Yes ■ No ■ Contingent on other changes

#### Selected questionnaire answers:

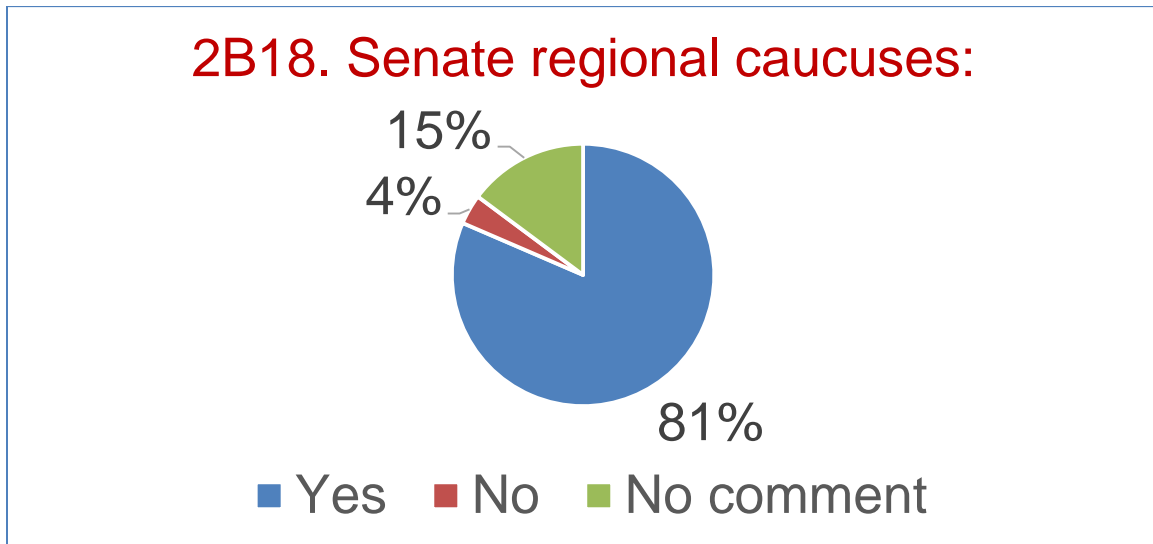
- Yes, if changes, drastic changes, are made in proceedings.
- Yes. This is a must to improve our image.
- Accessibility and transparency are essential, even if expensive.
- Clean-up the rules surrounding the Order Paper and Q.P. before going down that road.
- I do not see any advantage to this. I am not playing to an audience.
- Might help in communicating our work — and help Canadians to understand our role.

#### Rule changes to consider:

There are no rules currently forbidding cameras in the chamber.

### Cultural changes to consider:

The policy on cameras can be changed at will.



### Selected questionnaire answers:

- It would be interesting.
- Senate regional caucuses should be tried, providing they are non-partisan.
- Need to have a concrete plan, objectives, costing etc... to maximize content and benefits to the public.
- Should be entirely voluntary.

### Rule changes to consider:

Meeting as a caucus is not governed by any Senate rule

### Cultural changes to consider:

Senators have been caucusing according to political party affiliation for many years.



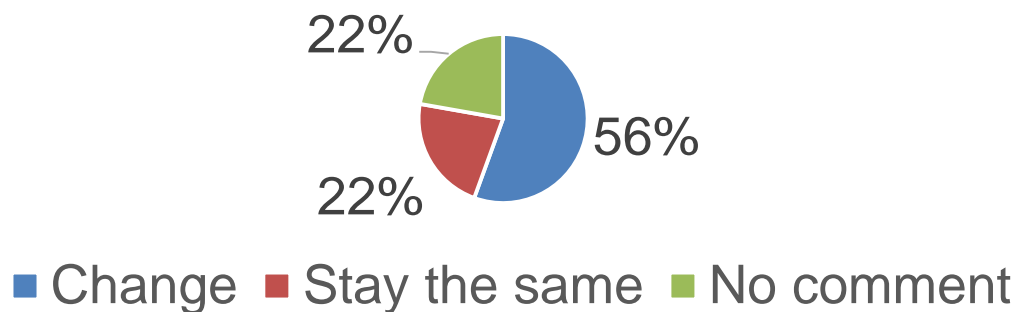
## GROUP FOUR: DIFFERENCES BETWEEN THE HOUSE OF COMMONS AND THE SENATE

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?

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



### Selected questionnaire answers:

- No. It should be in alphabetical order only.
- No, a mixing should minimize the political differentiations.
- Seniority, Committee Chairs and Vice Chairs should have greater leadership roles.
- Waste of time to consider at present, a non-starter - should focus on achievable underlying fundamental issues and if and when that is accomplished go from there for further refinements.
- Perhaps it should be organized along regional lines.
- No problem with current seating plan.

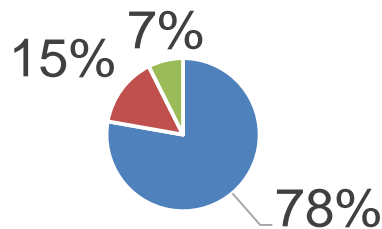
### Rule changes to consider:

There is no rule currently obliging Senators where to sit.

### Cultural changes to consider:

Political parties in the Senate assign desks to Senators.

**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

### Selected questionnaire answers:

- It's appropriate that it more or less copies that of the HoC. But it could also be different for break weeks.
- There is no reason why we should follow the House of Commons calendar. Basically, we should sit when we have work. Often this will be at the same time as the House of Commons, but sometimes not.
- No. It should be sensitive to the flow of legislation. In past times it used to be more sensitive, we should return to this.
- Not necessarily, depending on the workload... Most logical need should dominate.

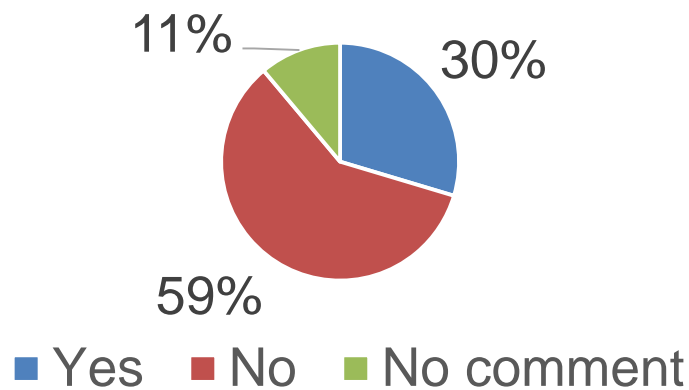
### Rule changes to consider:

There are no rules setting the Senate's schedule to be the same as the House of Commons.

### Cultural changes to consider:

Senators are not asked to agree on a schedule.

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



### Selected questionnaire answers:

- I think that we could be more efficient. If we removed attendance to national caucus, we could have more time for committees and a longer afternoon sitting, as needed.
- No. It is not efficient. On some days, such as Thursdays, the Senate should sit in the morning and leave the rest of the day, say until 5:00, for committee work.
- Yes, but prayers and Question Period could be eliminated.
- Currently I feel that there is a lot of wasted time in the Senate chamber. Many members give speeches for the sake of giving speeches without actually taking any real actions that would help Canadians. This is one reason I have advocated for televising Senate proceedings, to ensure that all Senators only do things they feel add value to debate or achieve results for Canadians.

## **GROUP FIVE: SENATE STANDING AND AD HOC COMMITTEES**

There was no specific question dealing with the aspects of this breakout group. But, from the answers provided we see there is an appetite for the role of committees in the Senate to expand. Senators wished for increased communications, as well as a use of committee subpoena powers in order to make timely public inquiries.

Here are the specific questions this group should seek to answer:

- 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?

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### **Selected questionnaire answers:**

- Yes, committees are fundamental vehicles to fill the sober second thought mandate. For me, these are the committee priorities in order: 1) Review Government legislation (sober second thought). 2) Review PMBs. (sober second thought). 3) Report and investigate long term public policy issues and options. (sober first thought). I also think that ad hoc Senate committees should be used more often to investigate current issues. The Senate is a resource that is independent of the House of Commons but sympathetic to it. It should be used more often to engage in current public issues, examine choices, and recommend solutions.
- I agree. I think we should not shrink from studies on timely issues. For example, the issue of missing and murdered aboriginal women is one where the Senate could undertake a set of hearings and issue a report that would be every bit as relevant as a multi-million dollar inquiry with legions of lawyers and judges.
- Yes, and that is why additional resources need to go to committees so that this responsibility can be both broadened and made more effective.

- Yes, but our system is not inappropriate. The American model informs. The majority and minority of such committees independently calls witnesses and has independent funding. The staff to committees as they currently function is a poor use of funds.
- Yes. I believe that committee work is the most important function of the Senate. If one reviews the work of our committees, it becomes obvious that in so many ways the Senate is the only body that reviews, studies and reports on important issues in Canada. Mental health, aboriginal issues, constitutionality of bills, sloppy drafting of regulation that causes unintentional consequences are all key elements of committee work. While I believe that there has always been partisan ship in the Senate proper, there is occasionally a bright light shining from the committee where differences are put aside and everyone works for a just and equitable solution.
- My primary goal would be to organize the Senate around two things: reviewing legislation and doing large committee studies. This means that at the centre of the entire organization would be committees and the way they function. Using committee's as the core around which all other operating principles revolve ensures that the Senate can focus on doing the meticulous but important work that is often overlooked in the House.
- I believe that all of the committees are too large. This often leads to problems of attendance and can be expensive due to travel etc. I have never understood why one committee has more members than another. I would suggest that each committee is comprised of seven members. At the start of each session, Senators would indicate their preference for a committee or committees. A secret ballot would take place the top 7 would form the committee. The committee would then elect a chair and vice-chair. Senators of course can attend any committee they chose without voting privileges. Too often, in all committees, decisions are made by the steering committee and are not communicated in a clear and concise manner to the committee.

# RECOMMENDATIONS WHERE BROAD CONSENSUS WAS ACHIEVED

## 1. DRAFT MISSION AND PURPOSE

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.

## 2. 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.

### **3. 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.

### **4. 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.

### **5. 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.

### **6. RETIREMENT TRIBUTES:**

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

### **7. ELECTING CAUCUS OFFICERS:**

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

## **8. BROADCASTING, COMMUNICATIONS AND RELATIONSHIPS:**

The Senate should televise and webcast its proceedings.

## **9. REGIONAL CAUCUSES:**

From time to time, informal regional caucuses should meet.

## **10. 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.

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.



## **11. 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.
- 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.
- 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.

## ANALYSIS OF THE QUESTIONNAIRE RESPONSES

See appendix A for the full list of analysis, in chart form, of the answers to the questionnaire.