



Should Parliamentary Reform be an Election Issue: How badly do we need it?

Honourable Joan Fraser

Former Chair of the Senate Standing Committee on Rules,
Procedures and the Rights of Parliament

October 26, 2018

9:00am – 4:30pm

Summary (Abstract)

The Canadian Senate and parliamentary reform have been hot topics over the last few years and rightfully so, considering the important role the Senate plays in Canadian democracy. Responsible for the review of government legislation, private members' bills and parliamentary committees on a variety of important topics, the Senate and its Senators require a strong sense of confidence and independence in order to effectively perform their role. Following the last Federal Election in 2015, changes to the rules governing the Senate were made and ideas about full Senate reform were floated as well.

After 20 years in the Canadian Senate, Joan Fraser, former Chair of the Senate Standing Committee on Rules, Procedures and the Rights of Parliament, will be at Concordia on October 26th to explore parliamentary reform. She will ask and seek to answer several important questions including whether we need parliamentary reform at all, what the Senate looks like now after proposed changes from the last Federal Election, and whether or not further institutional reforms of this kind should be on the electoral agenda at all.

Outline

The Senate

- How it works
- Process for Senate reform

Recent Years

- Necessary and unnecessary changes
- What I have learned

Parliamentary reform and the 2019 Federal agenda

- What reforms are still needed
- Can and *should* reforms be on the agenda?





Required Readings*

First Report of the Special Committee on Senate Modernization: [Senate Modernization: Moving Forward](https://sencanada.ca/content/sen/committee/421/MDRN/Reports/MDRN_FINAL_FirstReport_webversion_e.pdf) (https://sencanada.ca/content/sen/committee/421/MDRN/Reports/MDRN_FINAL_FirstReport_webversion_e.pdf)

- The “Report of the Special Senate Committee on Senate Modernization - Part I” was presented in the Senate in October 2016.
- From the above link, read the First Report’s *Executive Summary* - page iii to iv. Read also the First Report’s 21 *Recommendations* on pages xiii to xix.

Bill S-221 *An Act to amend the Constitution Act, 1867 (Property qualifications of Senators)*

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&DocId=8148767>.

- This bill, introduced by [Senator Dennis Glen Patterson](https://sencanada.ca/en/senators/patterson-dennis-glen/) (<https://sencanada.ca/en/senators/patterson-dennis-glen/>) in March 2016, amends the *Constitution Act, 1867* to eliminate the requirement that Senators have a personal net worth of at least four thousand dollars and to eliminate the real property requirement for Senators representing a province other than Quebec. It is currently at Second Reading stage in the Senate.

Senator Fraser’s reply speech as *Critic to Bill S-221* can be found at these two links: [2016-10-26](http://www.parl.gc.ca/Content/Sen/Chamber/421/Debates/066db_2016-10-26-e.htm?Language=E) (http://www.parl.gc.ca/Content/Sen/Chamber/421/Debates/066db_2016-10-26-e.htm?Language=E) and [2016-10-27](http://www.parl.gc.ca/Content/Sen/Chamber/421/Debates/067db_2016-10-27-e.htm?Language=E) (http://www.parl.gc.ca/Content/Sen/Chamber/421/Debates/067db_2016-10-27-e.htm?Language=E).

Motion No. 73 by the Honourable Senator Patterson: *Senate Order Paper*, March 24, 2016

https://sencanada.ca/en/content/sen/chamber/421/orderpaper/024op_2016-03-24-e

Motion No. 73 is “partnered” with *Bill S-221*. Students should read the motion as it is crucial to the bill.

Bill C-586 *An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms)*

Short Title: Reform Act, 2014 Sponsor: [Michael Chong](http://www.parl.gc.ca/parliamentarians/en/members/profiledirect?affiliationId=170497) (Wellington—Halton Hills)

(<http://www.parl.gc.ca/parliamentarians/en/members/profiledirect?affiliationId=170497>) received Royal Assent on June 23, 2015.

- Latest Publication
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&DocId=8058690> and
- Legislative Summary:
https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/412C586E of *Bill C-586*
- Major Speeches at Second Reading:
<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=I&billId=6507421&View=4> of *Bill C-586* (House of Commons and Senate Sponsor and Response speeches)

Additional Resources

Ajzenstat, Janet (2003) “Chapter One: Bicameralism and Canada’s Founders”, in Joyal, ed., *Protecting Canadian Democracy: The Senate You Never Knew*, McGill-Queen’s University Press, Montreal and Kingston, pp. 3-32

<http://0-www.deslibris.ca/mercury.concordia.ca/ID/401038>

Reference re Senate Reform (2014): The Supreme Court Clarifies the Senate Reform Process.

<http://ualawccsprod.srv.ualberta.ca/ccs/index.php/constitutional-issues/federalism/767-reference-re-senate-reform-2014-the-supreme-court-clarifies-the-senate-reform-process>

Supreme Court of Canada, *Reference re-Senate Reform* (2014): *Reference re Senate Reform - SCC Cases (Lexum)*

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13614/index.do>



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Ajzenstat, Janet et al. (eds.) (2003) *Canada's Founding Debates*. University of Toronto Press, Toronto, <http://0-www.deslibris.ca/mercury.concordia.ca/ID/418354>

Barnes, Andre et al. (2011) *Reforming the Senate of Canada: Frequently Asked Questions*. Library of Parliament <http://www.res.parl.gc.ca/Content/LOP/ResearchPublications/2011-83-e.htm>

This easy-to-navigate document allows browsing by question topic. It is a helpful review of the Canadian Parliamentary system

Bill C-7 An Act respecting the selection of Senators and amending the Constitution Act, 1867 in respect of Senate term limits (2011) (Bill Short Title: Senate Reform Act; Sponsor: Minister of State (Democratic Reform) <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&DocId=5101177>

Library of Parliament Legislative Summary of Bill C-7: An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/411C7E

Articles on the functioning of the Canadian Parliament

These “primers” are provided for students who might find them helpful as a refresher of the Canadian Parliamentary system.

Library of Parliament (2009) *Our Country, Our Parliament: An Introduction to how Parliament Works*. Library of Parliament, 2009. <https://bdp.parl.ca/About/Parliament/Education/OurCountryOurParliament/home-e.aspx>

Forsey, Eugene A. (1980) *How Canadians Govern Themselves*. <http://lop.parl.gc.ca/about/parliament/senatoreugeneforsey/book/preface-e.html>

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