

# WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

## An Independent Senate in the Canadian Democratic System: What does it mean and how will it work?

**Honourable Senator James S. Cowan**

Former Nova Scotia Senator and Senate Liberal Leader

February 10, 2017

9:00am – 4:30pm

### Outline:

#### 1. **Some History: why do we have a Senate?**

- Canadian experience with upper houses pre-Confederation
- Views of the Fathers of Confederation
- Federalism: concerns of provinces
- Confederation debates on term limits, elected vs appointed senators, and independence

#### 2. **Role and organization of Senate: as originally conceived and as evolved**

- Legislative review (independent “sober second thought”)
- Representation of regions
- Representation of minorities
- Policy studies
- Relationship to House of Commons: “complementary” not rival
- Role as Check on Executive
- Westminster-style Parliament

#### 3. **Problems: what do Canadians want to fix, with or without a constitutional amendment?**

- Change the role of the Senate? Change the powers?
- Abolish the Senate?
- Partisanship – role of political parties, caucuses
- Term limits
- Elected vs appointed, appointment process
- Regional representation: by the numbers

#### 4. **Way forward: what is the Senate that would work well for Canadians, and how do we get there?**

- Impact of Supreme Court decision – term limits, Senate elections
- Open up Constitution vs non-constitutional reform
- Regional representation
- Desired roles; desired powers
- Relationship to House of Commons
- Relationship to Executive
- Independence – role of caucuses
- Appointments process
- Engagement of Canadians

### **Required Readings\***

Janet Ajzenstat, (2003) "Bicameralism and Canada's Founders: The Origins of the Canadian Senate," in Serge Joyal, ed., Protecting Canadian Democracy: The Senate You Never Knew. Montréal and Kingston: McGill Queen's University Press. p.3-30

[http://encore.concordia.ca/iii/encore/record/C\\_\\_Rb2352269?lang=eng](http://encore.concordia.ca/iii/encore/record/C__Rb2352269?lang=eng)

David E. Smith, (2003) "The Improvement of the Senate by Nonconstitutional Means," in Serge Joyal, ed., Protecting Canadian Democracy: The Senate You Never Knew. Montréal and Kingston: McGill Queen's University Press. p. 229-270

[http://encore.concordia.ca/iii/encore/record/C\\_\\_Rb2352269?lang=eng](http://encore.concordia.ca/iii/encore/record/C__Rb2352269?lang=eng)

### **Recommended Readings**

Supreme Court of Canada, Reference re-Senate Reform (2014)

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

David E. Smith, (2003) The Canadian Senate in Bicameral Perspective. Toronto: University of Toronto Press.

[http://encore.concordia.ca/iii/encore/record/C\\_\\_Rb2352269?lang=eng](http://encore.concordia.ca/iii/encore/record/C__Rb2352269?lang=eng)

Jennifer Smith, (2009) ed., The Democratic Dilemma: Reforming the Canadian Senate. Montréal and Kingston: McGill Queen's University Press.

Webster Course Reserve Room (3 hour loan) -- POLI 489 -- AVAILABLE

Robert A. MacKay (1963) The Unreformed Senate of Canada. McLelland and Stewart.

Webster Course Reserve Room (3 hour loan) -- POLI 489 -- AVAILABLE

\*If you are registered for non-credit and are unable to locate the readings, please contact us at [wssr@concordia.ca](mailto:wssr@concordia.ca)