

**“WINDS OF CHANGE”
TRANSITION IN THE
UPPER CHAMBER**

Public Sector
Management
Workshop

The
Honourable
Elizabeth
Marshall

June 13th 2016

40TH PARLIAMENT, 3RD SESSION 2011



WHAT IS THE PURPOSE OF THE SENATE?

- The “Upper Chamber” is responsible for studying, amending, passing or rejecting Bills before they are enacted into law
- Conducts special studies and reports
- Business people, lawyers, teachers, journalists, artists, doctors, hockey players, police officers, scientists, writers, nurses, Aboriginal leaders, and politicians have all become Senators to lend their personal and professional experience to the legislative process
- Senators must be a Canadian citizen; at least 30 years old; own property in their province or territory; and live in the province or territory that they will represent

CURRENT SENATE SEATS

Province/Territory	Senate Seats
Ontario	24
Quebec	24
Nova Scotia	10
New Brunswick	10
Manitoba	6
British Columbia	6
Saskatchewan	6
Alberta	6
Newfoundland & Labrador	6
Prince Edward Island	4
North West Territories	1
Yukon	1
Nunavut	1
TOTAL SENATE SEATS	105

SENATE REFORM

2010

S-8 “An Act Respecting the Selection of Senators”

- First reading on April 27th, 2010, proposed election of Senators
- Proposed to allow Provinces, if they so chose, to conduct provincial elections in which the successful candidate would be considered by the PM for nomination
- Election would be held in accordance with the Provincial or Territorial laws enacted to implement the framework

SENATE REFORM

C-10 “An Act to Amend the Constitution Act, 1867 (Senate term limits)”

- First reading in March 2010, proposed to limit newly appointed Senators to a one, non-renewable, 8 year term

SENATE REFORM

2011

C-7”An Act Respecting the selection of Senators and amending the Constitution Act, 1867, with regards to Senate Term Limits”

- Schedule outlining framework for selection of Senators
- Term limits of 9 years

EXPENSE SCANDAL

41ST PARLIAMENT, 1ST SESSION

Date	Significant Event
December 2012	Identified 3 Senators whose use of “secondary residence expenses” required review
January 2013	Claims of 4 Senators referred to Deloitte
March 2013	\$90, 172 repaid
May/June 2013	Two Senators required to repay expense claims for their secondary residence and related expenses
May 2013	Senate Rules changed to require additional controls (i.e. travel logs, Senate Admin to report on travel patterns of Senators, etc.) as per the Twenty-Fifth Report of the Standing Senate Committee on Internal Economy, Budgets and Administration
August 2013	Fourth Senator required to repay travel expenses \$121, 348 plus addition amounts to be determined by IEC

CURRENT STATUS

June 13th 2016

- *Charges laid: 1 Senator, later dropped*
- *Charges laid: 1 Senator; charges dismissed*
- *No charges laid: 1 Senator*
- *Awaiting trial: 1 Senator*

SENATE REFORM

Questions Referred to the Supreme Court on Senate Reform February 1st, 2013

1. Can Parliament make amendments to the Constitution Act, 1867 to provide for term limits?
2. Can Parliament enact legislation that provides a means of consulting the population of each Province and Territory as to its preferences for potential nominees?
3. Can Parliament establish a framework setting out a basis for Provincial and Territorial legislatures to enact legislation to consult their population as to their preferences for potential nominees?

SENATE REFORM

Questions Referred to the Supreme Court on Senate Reform February 1st, 2013

4. Can Parliament repeal certain subsections of the Constitution Act 1867 regarding property qualifications?
5. Can the Senate be abolished by the general amending procedure in Section 38 of the Constitution Act 1982?
6. Is the unanimous Consent Procedure (section 41 of the Constitution Act, 1982) sufficient to abolish the Senate?

OAG AUDIT

MOTION: “That the Senate invite the Auditor General of Canada to conduct a comprehensive audit of Senate expenses, including senators' expenses.”

- No authority under AG Act to Audit the Senate
- Some Senators did not support audit
- Motion tabled June 4th, 2013; adopted June 6th 2013; and accepted June 7th 2013
- Audit conducted June 2013 – June 2015
- Report released June 2015

OAG AUDIT REPORT

Outcome:

- 116 Senators audited
- 22 Recommendations to the Senate
- 30 Senators named in the report
- 9 of 30 Senators referred to the RCMP

THE BINNIE REPORT

May 2015

- Former Justice Ian Binnie appointed as Special Arbitrator
- Special Arbitration Rules approved by Internal Economy Committee

Senator	Amount Referred to Special Arbitration (rounded)	Amount Required to be Repaid to the Senate
1	\$1,120	\$404
2	\$4,989	\$464
3	\$3,470	\$1,814
4	\$3,538	\$2,267
5	\$16,783	\$3,051
6	\$5,466	\$5,467
7	\$29,338	\$10,536
8	\$11,493	\$11,493
9	\$13,761	\$13,762
10	\$15,324	\$15,325
11	\$60,168	\$20,467
12	\$50,102	\$26,924
13	\$31,628	\$27,459
14	\$75,227	\$38,023
Total	\$322,407	\$177,456

SENATE MODERNIZATION

Senator Stephen Greene



October 2015

Senator Paul Massicotte



December 2015

- Motion passed: “that a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective within the current constitutional framework.”

THE RISE OF THE INDEPENDENT SENATOR

	January 2010	January 2014	Current 06-13-16
CONSERVATIVES	50	57	42
PROGRESSIVE CONSERVATIVES	2	0	0
IND PROGRESSIVE CONSERVATIVES	0	1	0
LIBERALS	50	0	0
IND LIBERALS	0	32	21
INDEPENDENTS	1	6	23
NON-ALIGNED	1	0	0
VACANT	1	9	19
TOTAL	105	105	105

WHERE DO WE GO FROM HERE

- Enhance disclosure of Senators' expenses
- Implementation of the Auditor General's Recommendations (including a Financial Oversight Committee)
- Revising expense rules (and other policies)
- Participation of Independent Senators on Committees

WHERE DO WE GO FROM HERE

- **Election of Committee Chairs and Vice Chairs**
- **Televising the Senate (Senate committees have been televised for a number of years)**
- **Disclosure of Senators' attendance online**
- **Revising Rules within the Senate Chamber**

