

In defence of the Senate

By Senator Colin Kenny

I write in praise of the Senate of Canada – the useful Senate we have had since Confederation, wrapped lovingly in the arms of the Constitution of Canada, not the Senate on steroids proffered by Stephen Harper.

Do I sound crusty, like I'm wagging my cane at change? Perhaps. That would fit with the Senate's image, as set out by Canadian cartoonists shilling for a cheap laugh on thin news days.

I am a senator with nothing personal on the line with respect to the prime minister's proposed changes to the Senate – I have eight more years to serve, and I will serve them. But Canadians have plenty to lose, so I ask you to examine my arguments against (a) an elected Senate and (b) term limits for senators. If you don't want Stephen Harper or anyone else to take over as President of Canada, please hear me out.

The most important role of the Senate is to hold the elected government of the day to account – a role that demands a fair-minded, non-partisan approach when important issues are being considered. This prime minister has never appreciated that role, and has encouraged a much more partisan approach among Conservatives in the Senate, which has temporarily muted the usefulness of the institution.

But it doesn't have to be that way. Because Senators are now appointed with no time limit, they can speak and vote with their consciences – a privilege rarely afforded to their colleagues in the House of Commons. Those senators who do not exploit this independence are not fully serving Canadians.

There is nothing wrong with the appointment process itself as long as prime ministers respect it. Their role is to appoint people who understand their responsibility to challenge elected politicians by examining issues important to Canadians and making intelligent recommendations for change, as well as proposing amendments to flawed legislation.

The laziest argument against the current senate is that it is appointed. Well, judges are appointed. Governors-general are appointed. Police chiefs are appointed. Would anyone rather see them elected? Of course not. If politicians appoint mediocre judges, governors-general or police chiefs, should they be held to account by voters? Of course they should. So should any prime minister appointing senators.

I have watched the Senate play an extremely useful role in the democratic process over the years. The Senate's reports into issues important to Canadians tend to be far superior to reports emerging from committees in the House of Commons, where members are locked in partisan combat and swamped with constituency duties. The Senate provides Canadians with what amounts to a permanent Royal Commission capable of looking into a wide variety of issues at a much lower cost than any Royal Commission ever appointed.

Former senator Michael Kirby's 2002 report on the state of the Canadian health system was generally considered far more insightful than the report produced the same year under the direction of former Saskatchewan premier Roy Romanow, and cost far less – \$442,000 for Kirby, \$15 million for Romanow.

Don't be surprised – in truth, the Senate is a bargain. In 2010 this key component of Canadian democracy cost each citizen \$3.14.

Did I say key component of Canadian democracy? In the last Parliament the Senate amended 14 of the bills sent to it by the Commons. These bills were supposed to be perfect when they arrived. They weren't. The Senate applied its collected wisdom, and fixed them.

You don't collect wisdom by restricting people to 8-year or 12-year terms. These term limit proposals are foolish. Few members of Parliament accomplish much in their first four years. It takes that long to master issues and figure out how to use the system to accomplish whatever you can – the same as doctors, lawyers and journalists are much more capable in their crafts after some years of experience. The Commons takes a short-term approach to running the country; the Senate is designed to offer a longer-term overview. Canadians need both perspectives.

What's the point in restricting someone to 8 or 12 years? Do we do that with judges? Deputy ministers? Prime Ministers? These restrictions can only lower the quality of people willing to serve in the Senate. What competent 40-year-old would want to serve 8 or 12 years and then try to resurrect his or her career after being away for so long? Some might, but that's a big gap in anybody's career. That kind of Senate would mainly be attractive to the rich and the elderly – we need a much wider spectrum than that.

Mr. Harper has convinced his recent appointees to move on after 8 years. By doing that, the prime minister is essentially saying, "I don't care how well you're performing at the end of your tenure – I need to make the Senate look bad, and if you start performing really well you're not helping me do that."

One wonders if those who so ardently tout an elected Senate realize that such a Senate would have more clout and more moral authority, all by virtue of its members having garnered far more votes in a province-wide election than MPs, prime ministers or premiers can gather in their relatively small ridings. Bert Brown, the Canadian senator elected in Alberta, received 312,000 votes. Poor premier Ed Stelmach only got 11,162 in Fort Saskatchewan-Vegreville. Why would any provincial premier want an elected senate, which would give senators more heft than MPs on national issues and more heft than premiers on provincial issues.

The United States has an elected Senate. The United States also has a president separate from the Senate and House of Representatives, because it wouldn't make sense for him to sit in one or the other – he has to deal with two powerful legislative bodies. That's how republican governments work. Is that what Stephen Harper really wants? A republican system, with a president at the helm?

The Senate of Canada does not, as it stands, have "considerable power" like the Senate in the United States. The Canadian Senate cannot introduce legislation that requires taxpayers' money to be spent – that is the prerogative of the Commons. But it can introduce non-money bills, and it can recommend policy and delay legislation. These are not enormous powers, but they are powers commensurate with an appointed body. Why fix something that isn't broken, particularly if you're likely to end up with an entirely different system of government?

Some provincial premiers understand what the Senate means to them, and to all Canadians. They also know that the prime minister cannot sneak in the back door and change the nature of the Senate without employing our constitutional amending formula that requires the support of seven provinces that are home to at least 50 percent of Canada's population.

If Stephen Harper can muster that kind of provincial support for his strange quest to fiddle with a system that would work if he would let it work, I can't stop