

## Senate reform requires more than elections

By *Senator Elaine McCoy*, Alberta (Progressive Conservative)    September 19, 2007

Almost as soon as Canada came into being, Senate reform was introduced into parliamentary debate. As early as 1874, David Mills, MP, stated in the House that 'our Constitution ought to be reformed...to confer upon each province the power of selecting its own Senators.'

Since then, Senate reform has periodically surfaced on the radar of both voters and parliamentarians – sometimes fervently and purposefully -- but to little lasting effect. And here we are again, on the cusp of change, with Senate reform one of the recurring agenda items for our current minority Conservative government.

In 2006, the Harper government took concrete steps toward turning the idea of Senate reform into a reality, introducing two bills, Bill S-4 and Bill C-43. Key aspects of these bills included, respectively, an amendment to the Constitution Act (1867) to limit Senatorial terms to eight years, and a provision to have potential Senate candidates selected through an election process (pending Constitutional amendment), with actual Senate appointments still resting with the Prime Minister.

While these bills will now die as a result of the government's decision to prorogue, they, or something similar, are almost certainly expected to be reintroduced in the next session -- particularly given Harper's recent acerbic comments on the Canadian Senate to Australian parliamentarians.

On the whole, Harper's proposals have been greeted positively, if unenthusiastically, by both media pundits and the general public who have heard 'shorter terms' and 'elections' and assumed both moves would equal a tighter, leaner and more effective and accountable Senate.

Senate elections in particular seem to have captured the public imagination and now, in general conversation and media coverage alike, 'Senate reform' has become synonymous with an 'elected Senate' for many. But elections on their own will do little to improve the Senate, and certainly the reforms proposed by the Harper government will only replicate the current structural flaws that make the Senate all too often ineffective and redundant.

To tackle Senate reform properly we need to first understand the mandated purpose and goal of the Senate – separate from that of the House of Commons. Only then can we understand why, from almost the moment of its inception, the Senate has required meaningful change, and why it has been so difficult to deliver.

All free societies reach out for ways that will protect its citizens from the 'tyranny of the majority,' and, in Canada, part of that protection is meant to come from the Senate. Protecting both regional interests and minority interests is one of the Senate's primary functions, explicitly mandated by our constitution.

In fact, when working properly, the Senate is intended to be one of our institutionalized forces that militates against the ability of the majority to trump and trample the needs and concerns of Canada's diverse regions and minority groups. Sadly, it too often fails in this most important task.

One of the primary reasons the Senate often fumbles its most singular responsibility is because it too closely adheres to the partisanship that dominates the House of Commons. Duplication rather than vibrant independence is the result.

Senators, like MPs, typically ally themselves with a political party (there are currently only eight independent Senators in the upper house), and, most problematically, MPs and Senators caucus together. Senators are even seated according to their party affiliations. As well, the Speaker of the Senate is selected by the Prime Minister; thus, when there is a change in leadership in the House, a similar change in leadership occurs in the Senate.

The result is that despite all the best will and intention there is an institutional pull toward Senators banding around party discipline and toeing the party line. This is a pragmatic and useful process in the House but, for the Senate, it undermines its very purpose: to remain independent of partisan politics and protect the interests of the regions from which the Senators were selected.

Regional and minority interests do not always -- some may argue, do not often -- coalesce and coexist with political partisanship. Thus, the Harper government's proposals for Senate elections, with the PMO ultimately selecting the final candidate, would do little to reform what ails the Senate most: partisan politics.

Elections on their own are not the answer. We need something much more fundamental to forge the reforms of equality and effectiveness, and some legitimate way of selecting Senators that would not be in the hands of the federal party system. Instead, true Senate reform should actively engage our vibrant regions in the selection and nomination process.

Consultative elections may be part of the answer, but Senators should ultimately be nominated by the Premier or the Provincial/Territorial Legislature of each region -- not by the Prime Minister's Office -- which would help to reinforce regional, and not party, loyalty amongst Senators. We also need to ensure equal representation in the Senate for each province and territory in Canada, so that our Senate is balanced in its duty to safeguard regional priorities.

Another useful reform would be an independent review and selection panel, such as they have in the UK, which would help to make the Senate more responsive and responsible to Canadian needs than to federal political bosses.

Only a reformed Senate that is free of party politics will have true independence, and only then will it be strong enough and vigorous enough to fully protect the interests of all Canadians.

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