

Constitution Act, 2010 (Senate term limits)

Government Orders

November 17th, 2010

Mike Savage, M.P. Dartmouth-Cole Harbour

Mr. Speaker, I am happy to have the opportunity to debate this bill today, this bill that addresses a certain type of reform of the Senate, the second chamber of Parliament.

I have always thought that the Senate should be reformed. The Senate has served a useful purpose over time since Confederation. There are ways that it should be reformed, and I still believe that it needs to be reformed. But I do not think this bill would solve that or would affect it in a significant way. We need sensible reform of the Senate. I have always felt that way, and I continue to do so now.

As an elected Member of Parliament, one thing that surprised me a little was just how important I found the work of the Senate to be. I do not have to go through chapter and verse on that. People in the chamber know the work that was done by Senator Mike Kirby on health, as well as his significant work on mental health in his report titled, "Out of the Shadows at Last", which led to the Mental Health Commission and his appointment there.

There has been some significant work done by senators individually and collectively. In some ways, the Senate has traditionally taken a bit of the bite out of the partisanship of the House of Commons. It has become more partisan in recent days and months, but that work was important. More recently, we have seen some fabulous work done by a Senate committee on poverty co-chaired by Liberal and Conservative senators, Senators Art Eggleton and Hugh Segal. It shows the kind of quality, bipartisan work that can exist in the Senate.

Today I am delighted that in the chamber the chair of the human resources standing committee tabled a report by the committee on poverty and developing an anti-poverty plan for Canada. Some of the recommendations will be similar to those in the Senate report, but some are not. Both studies are well worth looking at. Some significant work has been done in the Senate that I think has added to public discourse and led to better policy in this country, such as the work by Senator Segal, Senator Eggleton, and Senator Kirby.

I come from a province that has a rich tradition of senators providing valuable input. A good friend of mine, Senator Cowan, is the leader of the opposition in the Senate. Senators Mercer and Moore do fabulous work on many issues, one of which is post-secondary education. My co-

parliamentarian from Dartmouth—Cole Harbour, Senator Jane Cordy, and one of my all-time favourites, Senator Al Graham, who retired some six years ago, have done a tremendous amount of work on behalf of Canadians as well as all citizens of the world. It shows that significant work is done in the Senate, and Canadians can be proud of that.

I think we need to take a serious look at Senate reform. Clearly, when the Senate was devised, it was in large part meant to balance regional input in Canada. In 1867, we had the provinces of Quebec, Ontario, New Brunswick, and Nova Scotia. There were 24 senators from Quebec, 24 from Ontario, and 24 divided equally between Nova Scotia and New Brunswick. As other provinces came into Confederation, senators were added. The most recent was the province of Newfoundland and Labrador, which entered in 1949 with six senators. The tradition of the Senate there has been very strong as well.

It is not just Liberal senators. We have Senators Oliver and Comeau from Nova Scotia, and this strong tradition has existed across Canada. We have had some good senators and some bad ones. We have had some good members of Parliament in the House of Commons, and we have had some bad ones as well.

When we look at Senate reform, we need to look at it sensibly. The government of the day has turned the Senate into a bad guy on everything, and it has done this in a way that is very disingenuous.

I want to quote the leader of the opposition in the Senate, Senator Cowan, when he spoke about the idea of Senate reform being introduced by the Conservative government. I am going to quote directly from his speech in the Senate. He stated, "I begin by stating the obvious—that real democratic reform cannot be imposed, not even by a prime minister. The result of a unilateral action can never be enhanced democracy. A healthy democracy requires a leader to listen to the views of others and, in some circumstances, to accept those views even if the leader disagrees with them".

He goes on to state:

A constitution, by its nature, is the antithesis of unilateral action. Constitutions are the product of discussion and compromise. The Canadian Constitution contains a detailed amending formula meticulously negotiated over many years. [...] The government refuses to discuss the proposals with the provinces. It insists, notwithstanding the views of numerous experts, that the Parliament of Canada possesses the authority to pass the proposed constitutional amendments on its own.

People come here with their own points of view. We have heard some very strong positions from members of the New Democratic Party who believe that there is no place at all for the Senate. I do not believe that. We have heard from others who believe that perhaps there should not be any change at all

to the formulation of the Senate. I do not believe that either. I think we need to look at this sensibly and reasonably.

A colleague from Manitoba speaks about some discussions that happened in Manitoba, but other provinces have very clearly stated that they do not intend to just go along willy-nilly with a change in the Constitution. That is a very important thing that affects their interests and their region and they do not want to see it imposed upon them by the **Prime Minister**.

What we have often heard from the **Prime Minister** and the government was that the Senate was holding things up. In fact, while the House was prorogued earlier this year, the **Minister of Justice** suggested that the Senate was holding up the crime bills.

There is a very good letter, which I commend to everybody's attention, from Senator Cowan to the **Minister of Justice** dated February 4. The letter reads:

Your Government introduced 19 justice-related bills in the House of Commons. Of these, 14 were still in the House of Commons at prorogation. Of the five justice bills that passed the House of Commons and came to the Senate:

two passed the Senate without amendment;

one (the so-called Serious Time for the Most Serious Crime bill) was tabled by your Government in November in the Senate but not brought forward for further action after that;

one was passed with four amendments and returned to the House of Commons which did not deal with it before Parliament was prorogued; and one was being studied in committee when Parliament was prorogued and all committee work shut down.

There were a further two justice bills that your Government chose to initiate in the Senate. One was passed by the Senate after 14 days, sent to the House of Commons, passed and given Royal Assent. The other was tabled in the Senate on April 1, but has not been brought forward by your Government for any further action since then.

Very clearly, the Senate has been set up incorrectly as the entity that has been slowing down the government agenda. We all know that what slowed down the government agenda was its proclivity to prorogue Parliament, not just twice in the last couple of years but in fact three times if we go back to 2007. Therefore, It is not fair to say that the Senate has held up the agenda of the government.

What we saw last night was a bill that had been passed by the House of Commons in Parliament and sent to the Senate. For the first time in the history of our country, the first time since Confederation, a bill that was

passed by the House of Commons was killed by the Senate without even going to committee.

I believe what we have is an abuse of the democratic process, consistent with a government that has chosen to prorogue Parliament, that has chosen to ignore the will of Parliament on a number of occasions and that is now using the Senate as the set-up bad guy when the government has to take responsibility for not being able to get its own agenda through.

That is just simply how it is. We do have a bicameral legislative body. We have had a system in Canada over many generations, going back to Confederation, that has two bodies. It has the House of Commons where members are elected. The Senate has members who are appointed. Should the senators be elected and how long should their terms be, are things that are open to debate.

What is not open to debate, though, is that the government has set up the Senate in an incorrect way, politicizing the Senate, beyond what it ever has been before, to suggest that the Senate is slowing down the will of Parliament. On top of all of that, last night we clearly had the Conservative-dominated Senate killing the will of Parliament on a piece of legislation for the first time in our history.

I say that we need to reform the Senate. We need to look at it seriously but we must not forget the good work that can be done by the Senate. We need to ensure that we enhance democracy as we go through this process and not further damage it.