



Library Note

Canadian Senate Reform: Recent Developments

The Senate of Canada is the second chamber of the country's Westminster-style bicameral Parliament. Its members are appointed by the Governor General, representing the Queen of Canada (Elizabeth II), on the advice of the Prime Minister. The duties of the Senate include examining and revising legislation; investigating national issues through committee work; and representing regional, provincial and minority interests. Historically, appointments to the Senate of Canada have invariably been made on a party-political basis, with prime ministers rarely appointing senators from other parties or independents.

In October 2015, the Liberal Party of Canada won a majority in Canada's House of Commons following federal elections. As part of its policy platform published ahead of the election and in line with a position earlier outlined by Leader Justin Trudeau, the Liberal Party undertook to create a new, merit-based process to advise the Prime Minister on Senate appointments should the party win a majority in the election and form the next government. The objective of this policy was to encourage a more independent Senate comprising fewer senators with political affiliations.

Once in office, the new Liberal Government initiated the implementation of this policy with the creation of an Independent Advisory Board for Senate Appointments. The Board has completed the first, transitional phase of its work, which involved recommending individuals to Prime Minister Trudeau for appointment to fill seven vacancies in the Senate. In March 2016—as a result of this process—the Prime Minister announced the appointment of seven independent senators, all of whom had been recommended by the Advisory Board. As part of the second, permanent phase, the Board is now considering applications from Canadian citizens for 20 existing vacancies. The Canadian Government expects to fill all current vacancies by the end of 2016.

Canadian politicians and commentators have argued that the merit-based appointment of independent senators will change the character of the Senate. It will also mean that the Government will not have a majority—either political or absolute—in the second chamber, which may have implications for the carrying or passing of its legislative programme. Examples of contrasting opinion on the changes are included in a further reading list.

This House of Lords Library briefing provides an overview of recent developments in the Canadian Senate appointments process and highlights the work of a special Canadian Senate Committee on Senate modernisation, which has taken evidence on the experience of the House of Lords from individuals including Lord Hope of Craighead, Convenor of the Crossbench Peers. The briefing also follows a previous House of Lords Library briefing on the subject of bicameral legislatures worldwide, entitled [Second Chambers](#) (10 March 2014).

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I. Overview

The Senate of Canada is the second chamber of the country's Westminster-style bicameral Parliament. Its members are appointed by the Governor General, representing the Queen of Canada (Elizabeth II), on the advice of the Prime Minister. The duties of the Senate include examining and revising legislation; investigating national issues through committee work; and representing regional, provincial and minority interests.¹

There are many similarities between the Senate of Canada and the House of Lords. As Charles Robert, Clerk of the Senate and Clerk of the Parliaments in Canada, has observed, from 1868 (when the first edition of the *Rules, Orders, and Forms of Proceeding of the Senate of Canada* was published) until 1968, Senate rules indicated how the chamber saw itself as having been modelled on the House of Lords. For example, one such rule stated that in "all unprovided cases, the rules, usages, and forms of proceedings of the House of Lords are to be followed". In addition, many rules respecting order and decorum in the Senate have changed little from their original forms.² Significant similarities today include non-elected memberships and the two chambers' respective roles as revising bodies during the legislative process.³

However, there are also significant differences both in terms of practicalities and context. For example, the Speaker of the Senate is authorised to preserve order and decorum and to decide questions of order, although all rulings remain subject to an appeal to the full Senate for confirmation or rejection.⁴ Also, unlike in the House of Lords, Senate seats are apportioned on a regional basis. The size of the memberships of the two chambers is another difference. There are 105 seats in the Senate of Canada, almost one for every three in the country's elected House of Commons (which comprises 338 seats). This compares with a House of Lords which does not have an upper limit on membership and currently has more members than the UK's House of Commons (which comprises 650 seats).

The Senate of Canada has long been regarded as a controversial institution by some and an unresolved debate has continued in recent years on the subject of whether the second chamber should be reformed into an elected body, or abolished.⁵ Following the suspension of a number of Senators following allegations of improper expense claims and in the light of a unanimous Supreme Court decision that a constitutional

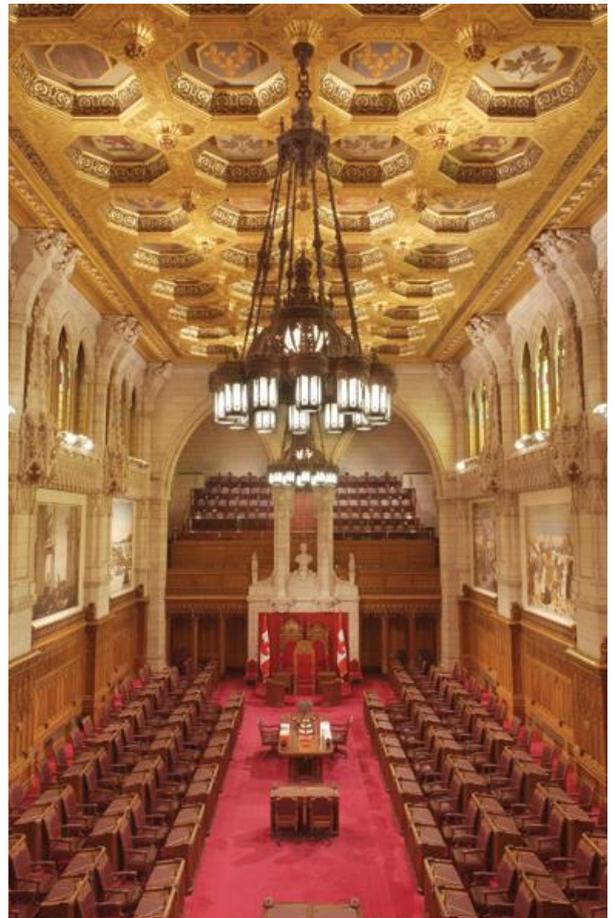


Image: Senate Chamber, Parliament of Canada.
[Image copyright Senate of Canada.](#)

¹ Senate of Canada, '[The Senate Today: Parliament's Upper House](#)', accessed 11 August 2016.

² Senate of Canada, *Senate Procedure in Practice*, June 2015, p ii.

³ Non-elected memberships here excludes Members of the House of Lords elected in hereditary by-elections.

⁴ Senate of Canada, '[Speaker of the Senate](#)', accessed 12 September 2016.

⁵ Historica Canada, '[Canadian Encyclopedia: Senate](#)', 13 May 2016. Historica Canada is supported by the federal Department of Canadian Heritage.

amendment would be required to change the way in which Senators are appointed or to abolish the Senate, proposals for reform of the appointments process which would not require a constitutional amendment became more prominent.

In October 2015, the Liberal Party of Canada won a majority in federal elections.⁶ Arguing that the Senate was too political to perform its role effectively, as part of its policy platform published ahead of the election the Liberal Party had urged a “need to end the partisan nature of the Senate” and undertook to “create a new, non-partisan, merit-based process to advise the Prime Minister on Senate appointments” should the party form the next government.⁷ Once in office, the Liberal Government initiated this new system with the creation of an Independent Advisory Board for Senate Appointments. The Board has completed the first, transitional phase of its work, which involved recommending individuals to Prime Minister Justin Trudeau to fill seven vacancies in the Senate. This resulted in seven appointments, all the appointees having been recommended by the Advisory Board. As part of the second, permanent phase, it is now considering applications from Canadian citizens for 20 existing vacancies, in addition to the seven already filled. The Government expects to fill all Senate vacancies by the end of 2016.⁸

Prime Minister Trudeau has stated that the new process introduced by his Government has the objective of “bring[ing] an end to partisanship in the appointments process”; thereby “transform[ing] the Senate into a less partisan and more independent institution that can perform its fundamental roles in the legislative process more effectively—including the representation of regional and minority interests—by removing the element of partisanship, and ensuring that the interests of Canadians are placed before political allegiances”.⁹

2. Senate of Canada: Background

The formal structure and powers of the Senate of Canada, as well as the method of selecting senators, have changed very little since the Confederation of Canada in 1867.¹⁰

2.1 Role and Powers of the Senate

The Senate was created at the time of Confederation to counterbalance representation by population in the House of Commons by ensuring equal representation of the regions at the federal level.¹¹ The British North America Act 1867, known in Canada since the repatriation of the constitution in 1982 as the Constitution Act 1867, set out how the bicameral Parliament of Canada would be constituted:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.¹²

⁶ For further information, see House of Lords Library, [Canadian Parliamentary Elections, 19 October 2015](#), 27 October 2015; and Elections Canada, [Report on the 42nd General Election of October 19, 2015](#), 3 February 2016.

⁷ Liberal Party of Canada, [Senate Reform](#), accessed 11 August 2016; and [Real Change: A Fair and Open Government](#), August 2015, p 5.

⁸ Government of Canada, [Democratic Institutions: Frequently Asked Questions—Senate Appointments Process](#), accessed 11 August 2016.

⁹ Prime Minister of Canada, [Prime Minister Announces Intention to Recommend the Appointment of Seven New Senators](#), 18 March 2016.

¹⁰ Senate of Canada, [Senate Procedure in Practice](#), June 2015, p 2.

¹¹ Senate of Canada, [About the Senate](#), accessed 11 August 2016; and [The Senate Today: Representing Canadians' Interests](#), accessed 11 August 2016.

¹² British North America Act 1867 (30 Vic chapter 3), s 17. This wording is still in effect.

Sir John A Macdonald, Canada's first Prime Minister, stated that the Senate was to be a chamber of "sober second thought".¹³ He also emphasised the independence and scrutinising role of the Senate:

[The Senate] must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.¹⁴

The Senate's official manual, *Senate Procedure in Practice*, states that the role of the Senate is "first and foremost one of carefully reviewing legislation, conducting long-term investigations, representing the regions, and protecting linguistic and other minorities".¹⁵ Charles Robert, Clerk of the Senate and Clerk of the Parliaments in Canada, has outlined the role, powers and character of the Senate in more detail:

The Senate possesses fundamentally the same powers as the elected Commons, except with respect to the initiation of bills imposing taxes or authorising public expenditures, and the approval of certain constitutional amendments. While it has the same duty as the House of Commons in holding the Government of the day to account, the Senate has never had a role in challenging the mandate of the Government through a vote of confidence. As the chamber of sober second thought, the Senate has generally played a complementary role to the House of Commons. It can revise legislation already considered and adopted by the Commons with the aim of improving it, and the Commons usually accept changes proposed by the Senate. The ability of the Senate to reject bills outright and to disagree with the Commons on the final version of a bill remain constitutionally secured, but is now rarely used.

Committees have always been a significant feature of the Senate. It is in committees that the talents and experience of senators are applied to great advantage. Their professional background and skills, together with the knowledge that senators acquire during their tenure in Parliament, provide a firm base for their engagement in committees. The solid work of committees is also enhanced through the stability and continuity of membership. Senators have an opportunity to gain an in depth understanding of complex issues studied over the years. Furthermore, without the heavy responsibility of maintaining an ongoing relationship with constituents, senators have been able to focus more freely on the examination of bills and, in more recent times, on the consideration of issues related to public policy.¹⁶

In addition to its role as a chamber for the representation of regional interests, the Government of Canada has recently stated that the Senate has also become an "important institution for the representation of minority interests and groups who may be underrepresented in the elected chamber (such as indigenous peoples, minority language and ethnic groups, and women)".¹⁷

¹³ Senate of Canada, '[The Senate Today: Parliament's Upper House](#)', accessed 11 August 2016.

¹⁴ Senate of Canada, '[The Senate Today: Quotable Quotes](#)', accessed 11 August 2016.

¹⁵ Senate of Canada, *Senate Procedure in Practice*, June 2015, p i.

¹⁶ Senate of Canada, *Senate Procedure in Practice*, June 2015, p i.

¹⁷ Government of Canada, '[About the Senate](#)', 3 July 2016.



Image: Senate Chamber, Parliament of Canada. [Image copyright Senate of Canada.](#)

2.2 Members of the Senate

There are 105 seats in the Senate of Canada.¹⁸ Members of the Senate, styled senators, are appointed by the Governor General, representing the Queen of Canada (Elizabeth II), on the advice of the Prime Minister according to geographical divisions set out by the Constitution Act 1867 (as amended).¹⁹ This legislation, together with the Constitution Act 1982 (as amended) sets out how the provinces and territories of Canada are represented in the Senate, and defines the qualifications required of senators. These include that they must be aged over 30 at the time of appointment and that they be resident, and own property worth over \$4,000, in the province or territory for which they are appointed.²⁰ In addition, senators from Quebec must represent one of 24 provincial electoral divisions set out in the Constitution Act 1867.

The geographical divisions set out in Canada's constitutional legislation and the number of seats in the Senate reserved for each province/territory are as follows:

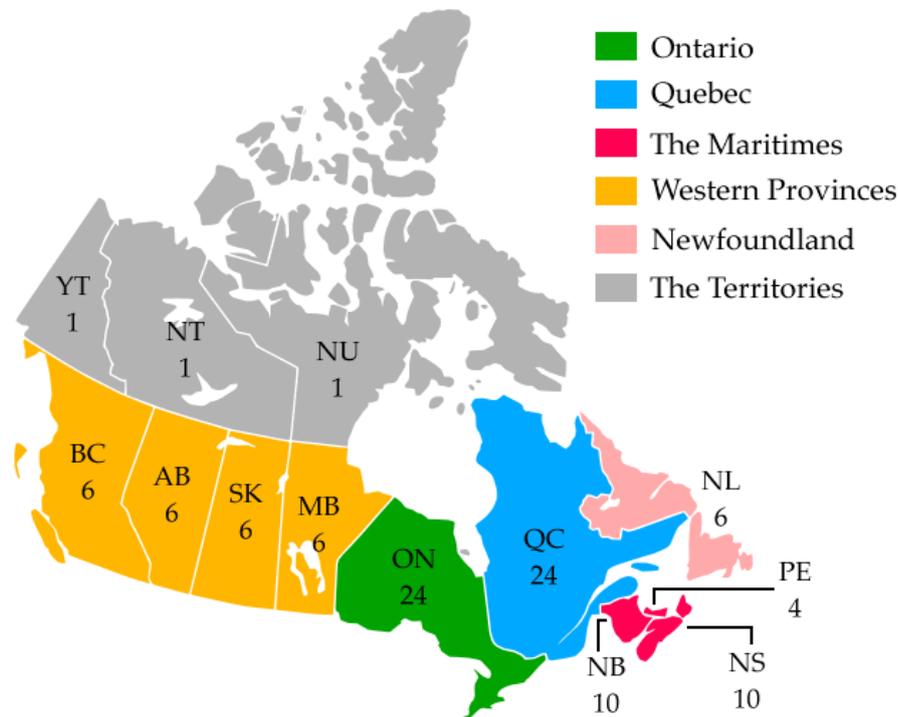
- **Ontario** (24)
- **Quebec** (24)
- **Maritime Provinces** (24)—Nova Scotia (10); New Brunswick (10); Prince Edward Island (4)

¹⁸ The Governor General is empowered by the Constitution Acts of 1867 and 1982 to summon four or eight qualified persons to the Senate, representing equally the four divisions of Canada (Ontario, Quebec, the Maritime Provinces and the Western Provinces), should circumstances require. In practice this is done on the advice of the Prime Minister. There is therefore an upper limit of 113 on membership of the Senate.

¹⁹ Senate of Canada, '[Canada's Senators](#)', accessed 11 August 2016. Recommendations for appointments are made at the discretion of the Prime Minister.

²⁰ Government of Canada, '[Justice Laws Website: Constitution Acts, 1867 to 1982](#)', accessed 11 August 2016.

- **Western Provinces (24)**—Manitoba (6); British Columbia (6); Saskatchewan (6); Alberta (6)
- **Newfoundland and Labrador (6)**
- **Territories (3)**—Yukon Territory (1); Northwest Territories (1); Nunavut (1)



Source: Wikimedia Commons, '[Canadian Senate Divisions](#)', 30 November 2008.

Historically, appointments to the Senate of Canada have invariably been made on a party-political basis, with prime ministers rarely appointing senators from parties other than their own or independents.²¹ Senators originally served for life, though a constitutional amendment passed in 1965 introduced a mandatory retirement age of 75.²² Senators may resign before reaching 75.²³

Women have been eligible for appointment to the Senate since 1929, as a result of a decision by the Judicial Committee of the Privy Council (at the time Canada's highest appellate court).²⁴ Around one-third of senators are women.²⁵

²¹ Meg Russell, *An Appointed Upper House: Lessons from Canada—Executive Summary*, UCL Constitution Unit, 1998, p 1; David Docherty, *The Canadian Senate: Chamber of Sober Reflection or Loony Cousin Best Not Talked About*, *Journal of Legislative Studies*, 2002, vol 8 no 3, p 31; and Louis Massicotte, '[Has the Senate Changed Since the 1980s? Some Quantitative Indicators](#)', *Canadian Parliamentary Review*, 26 July 2016, vol 39 no 1.

²² Library of Parliament, *Reforming the Senate of Canada: Frequently Asked Questions*, 12 September 2011, p 6.

²³ British North America Act 1867 (30 Vic chapter 3), s 30. This wording is still in effect.

²⁴ Senate of Canada, *Senate Procedure in Practice*, June 2015, p 1; and Library of Parliament, *Reforming the Senate of Canada: Frequently Asked Questions*, 12 September 2011, p 6. Canada's first woman senator was Cairine Wilson, appointed in 1930. Senate of Canada, '[The Senate Today: Canada's Senators](#)', accessed 11 August 2016.

²⁵ Senate of Canada, '[The Senate Today: Canada's Senators](#)', accessed 11 August 2016.

2.3 Current Composition

The Senate is currently composed as follows:

Standings in the Senate	
Conservative Party	41
Non-affiliated	23
Liberal Party	21
Vacant seats	20
Total	105

The governing Liberal Party of Canada does not have a majority in the Senate, either political or absolute.²⁶ (Note that Liberal Party leader Justin Trudeau removed Liberal Party senators from his party's parliamentary caucus in January 2014, since which time Liberal senators have not been subject to the Liberal Party whip but have chosen to group together as Senate Liberals).

2.4 Senate Activity

The most recent *Senate Report on Activities*, published in 2013, states that in the 2012/13 financial year the Senate held 85 sittings and spent over 272 hours at work in its chamber.²⁷ The Senate was also involved in the following legislative activity:

- **Government Bills:** Eight government bills were introduced in the Senate and 25 others were received from the House of Commons, for a total of 33 government bills studied by the Senate in the fiscal year 2012/13. The Senate adopted 30 of these government bills at third reading.
- **Public Bills:** Eight Senate public bills were introduced in the Senate and 17 private member's bills were received from the House of Commons in the fiscal year 2012/13. Of these, two Senate public bills and eight private member's bills received third reading.
- **Private Bills:** Three private bills were introduced in the Senate and adopted in fiscal year 2012/13.²⁸

The Senate made seven amendments to bills and accepted three amendments to a Senate government bill proposed by the House of Commons in the 2012/13 financial year, as well as introducing 108 motions and 33 inquiries. In addition, the Senate participated in 20 standing, special and joint committees in the 2012/13 financial year. These committees held 513 meetings, totalling over 800 hours; heard from 1,760 witnesses; and produced 108 reports.²⁹

More recently, the Senate has produced a short video of its activity in the period December 2015 to July 2016.³⁰

²⁶ Senate of Canada, '[Canada's Senators](#)', accessed 12 September 2016.

²⁷ The *Senate Report on Activities* series of publications report by financial year, rather than by parliamentary session.

²⁸ Senate of Canada, '[Senate Report on Activities 2013: Senate Parliamentary Activities](#)', accessed 11 August 2016.

²⁹ *ibid.*

³⁰ Senate of Canada, '[Keeping Up with the Upper Chamber](#)', 13 July 2016.

2.5 Reform Proposals

Canada's Library of Parliament notes that the issue of Senate reform dates back to at least 1874—seven years after the Senate's establishment—after the House of Commons considered a proposal to amend the constitution (then the British North America Act 1867) to allow each province to choose senators.³¹ This was also the focus of proposals for reform in the 1960s and 1970s, when provincial involvement in the appointment of senators was the subject of debate.³² A number of proposals for Senate reform, based on the assumption that senators should be elected, have also been put forward since the 1980s.³³

In June 2011, having identified Senate reform as a priority, the Conservative Government of then Prime Minister Stephen Harper proposed the introduction of consultative elections for appointments to the Senate and term limits for senators as a means to “make the Senate more democratic, accountable, and representative of Canadians”.³⁴ In April 2014, the Supreme Court of Canada rejected these plans and ruled that constitutional reform—including the introduction of elections for senators or abolition of the Senate—would not be possible without constitutional amendments requiring either the substantial or unanimous support of the provinces.³⁵ In its ruling, the Supreme Court stated:

The implementation of consultative elections and senatorial term limits requires consent of the Senate, the House of Commons, and the legislative assemblies of at least seven provinces representing, in the aggregate, half of the population of all the provinces. The abolition of the Senate requires the unanimous consent of the Senate, the House of Commons, and the legislative assemblies of all Canadian provinces.³⁶

The ruling reduced the likelihood of constitutional reform involving the Senate in the near future.³⁷

Following the ruling, in July 2015 the then Prime Minister Stephen Harper announced an informal moratorium on appointments to the, in his words, “unelected, unaccountable Senate”.³⁸ There were 22 vacancies in the 105-seat Senate at the time of this announcement. The number of vacancies had risen to 26—almost one quarter of Senate seats—by March 2016, when Prime Minister Trudeau announced that seven new independent senators would be appointed to the Senate.

³¹ Library of Parliament, [Reforming the Senate of Canada: Frequently Asked Questions](#), 12 September 2011, p 6.

³² *ibid.*, p 7.

³³ For further information, see Library of Parliament, [Reforming the Senate of Canada: Frequently Asked Questions](#), 12 September 2011, pp 7–12.

³⁴ Government of Canada, [Archive: Harper Government Introduces the Senate Reform Act](#), 21 June 2011.

³⁵ Lexum, [Judgments of the Supreme Court of Canada: Reference re Senate Reform](#), 25 April 2015.

³⁶ *ibid.*

³⁷ Louis Massicotte, [Has the Senate Changed Since the 1980s? Some Quantitative Indicators](#), *Canadian Parliamentary Review*, 26 July 2016, vol 39 no 1.

³⁸ CBC News, [Stephen Harper Vows Not to Name any Senators Before Reforms Made](#), 24 July 2015.

3. Recent Reform of the Appointments Process

Before the federal election held in October 2015, the Liberal Party of Canada called for a new, merit-based appointments process to be instituted to increase the number of independent senators in the Senate of Canada. After winning a majority in that election, the new Liberal Government set up an Independent Advisory Board for Senate Appointments to advise the Prime Minister on appointments to the Senate. The Advisory Board has already recommended individuals to the Prime Minister during a first phase of activity—which resulted in the appointment of seven new independent senators. A second, permanent phase of work is now underway in which Canadian citizens can apply to be considered for recommendation to fill vacant Senate seats.

3.1 Liberal Party Policy

In January 2014, Justin Trudeau, federal leader of the Liberal Party of Canada, removed his party's senators (then numbering 32) from the Liberal Party parliamentary caucus. These senators were no longer subject to the Liberal Party whip, though some chose to organise as a Senate Liberal caucus with the remainder becoming non-affiliated independent senators. Justifying his decision, Mr Trudeau called for a Senate with a less partisan membership:

The Senate was once referred to as a place of sober second thought. A place that allows for reflective deliberation on legislation, in-depth studies into issues of import to the country, and, to a certain extent, provide a check and balance on the politically driven House of Commons.

It has become obvious that the party structure within the Senate interferes with these responsibilities.³⁹

Mr Trudeau proposed that the Senate should be made non-partisan by way of an “open, transparent, non-partisan process” that would see all appointees to the Senate sit as non-affiliated independents.⁴⁰

During the 2015 federal election campaign, Mr Trudeau's party urged a “need to end the partisan nature of the Senate”, and undertook to “create a new, non-partisan, merit-based process to advise the Prime Minister on Senate appointments” should it win a majority in the election and form the next government.⁴¹ The party subsequently won 184 seats in the federal elections held on 19 October 2015, giving it a majority in the 338-seat House of Commons and a mandate to form the next government.⁴²

³⁹ CBC News, [‘Justin Trudeau Removes Senators from Liberal Caucus’](#), 29 January 2014.

⁴⁰ *ibid.*

⁴¹ Liberal Party of Canada, [‘Senate Reform’](#), accessed 4 August 2016; and [Real Change: A Fair and Open Government](#), August 2015, p 5.

⁴² For further information, see: House of Lords Library, [Canadian Parliamentary Elections, 19 October 2015](#), 27 October 2015; and Elections Canada, [Report on the 42nd General Election of October 19, 2015](#), 3 February 2016.

3.2 Independent Advisory Board for Senate Appointments

On taking office, the Liberal Government announced that an Independent Advisory Board for Senate Appointments would be created in order to provide the Prime Minister with a non-binding shortlist of nominees for existing and forthcoming Senate vacancies.⁴³ Candidates on each shortlist would be selected using merit-based criteria.⁴⁴ The Government argued that this would “end the partisan nature of the Senate”, which had “affected its reputation and effectiveness over the years”.⁴⁵

The Advisory Board was established on 19 January 2016 and is chaired by Ms Huguette Labelle, Emeritus Governor of the University of Ottawa.⁴⁶ The Advisory Board is composed of five members appointed by the Prime Minister.⁴⁷ This includes three federal members serving for terms of two years, one of which (Ms Labelle) serves as chair. The three federal members are joined by two ad hoc members, each serving for one-year terms, from the province or territory of the vacancy, or vacancies, to be filled. The Government stated that Advisory Board members should have knowledge of the legislative process and the Senate’s role, be able to conduct their work in a non-partisan manner and be representative of Canadian society.⁴⁸ Two additional federal members (in addition to Ms Labelle) and two ad hoc members for each province and territory that have Senate vacancies have now been appointed.

The Advisory Board’s terms of reference state that it must provide to the Prime Minister a list of “five qualified candidates for each vacancy in the Senate with respect to each province or territory for which there is a vacancy or anticipated vacancy and for which the Advisory Board has been convened”.⁴⁹ In addition, the terms state that the Prime Minister “may take into consideration all of the qualified candidates with respect to all vacancies for that province or territory”.

Since the creation of the Advisory Board, its work has proceeded in two phases—a first, transitional phase in which nominations were sought to fill seven vacancies, and a second, permanent phase (now underway) in which Canadian citizens can apply for consideration for existing and forthcoming vacancies.

In the first, transitional phase the Board consulted with organisations in Manitoba, Ontario and Quebec (provinces with the highest relative number of vacancies) in order to seek candidates for the Senate.⁵⁰ The Board welcomed nominations between 29 January and 15 February 2016

⁴³ The Advisory Board, created on 19 January 2016, is loosely similar to the House of Lords Appointments Commission.

⁴⁴ The eligibility criteria and merit-based requirements set out by the Government for Senate seats are available on the Advisory Board’s website: Government of Canada, ‘[Democratic Institutions: Annex—Qualifications and Merit-Based Assessment Criteria](#)’, accessed 11 August 2016.

⁴⁵ Government of Canada, ‘[Democratic Institutions: Frequently Asked Questions—Senate Appointments Process](#)’, accessed 11 August 2016.

⁴⁶ Government of Canada, ‘[Independent Advisory Board for Senate Appointments: Mandate and Members](#)’, 4 August 2016.

⁴⁷ Government of Canada, ‘[Democratic Institutions: Background—Senate Appointments Process](#)’, accessed 11 August 2016.

⁴⁸ *ibid.*

⁴⁹ Government of Canada, ‘[Democratic Institutions: Terms of Reference for the Advisory Board](#)’, accessed 11 August 2016.

⁵⁰ Government of Canada, ‘[Independent Advisory Board for Senate Appointments: Frequently Asked Questions \(FAQs\)](#)’, 4 August 2016.

and received 284 candidacies.⁵¹ Applicants could not nominate themselves or apply directly in this phase. On 18 March 2016, Prime Minister Trudeau announced his intention to appoint seven new senators (two from Manitoba, three from Ontario, and two from Quebec—provinces with the highest relative number of vacancies) as a result of this process.⁵² Appointees included Raymonde Gagné, former president of Manitoba’s Université de Saint-Boniface; Justice Murray Sinclair, Canada’s second judge of First Nations heritage; Peter Harder, a former senior civil servant; Chantal Petitclerc, a multi-gold medal winning paralympian; Ratna Omidvar, director of Ryerson University’s Global Diversity and Migration Exchange; Frances Lankin, a national security expert; and André Pratte, a journalist and editor. None of the seven appointees were reported to have been members of the Liberal Party of Canada.⁵³

Peter Harder is now the Government Representative in the Senate, whose role is to facilitate the introduction and consideration of government legislation in the second chamber, though he sits as a non-affiliated senator and does not lead a political grouping subject to the government whip.⁵⁴

3.3 Next Steps

Launched on 7 July 2016, the second, permanent phase of the Advisory Board’s work involves an application process for existing or forthcoming Senate vacancies which is open to all Canadian citizens.⁵⁵ As its first task as part of this phase, the Advisory Board was asked to provide Prime Minister Trudeau with non-binding recommendations on appointments to fill 19 vacancies and one anticipated vacancy (due to a mandatory retirement in August 2016) in seven provinces: British Columbia (1 seat); Manitoba (2 seats); Ontario (6 seats); Quebec (6 seats); New Brunswick (2 seats); Nova Scotia (2 seats); and Prince Edward Island (1 seat).⁵⁶ The deadline for applications for these opportunities was 4 August 2016. Applications are now under consideration, and the Canadian Government has stated that the Prime Minister intends to fill the existing vacancies by the end of 2016.⁵⁷

4. Senate Committee Inquiry

On 11 December 2015, the Senate of Canada adopted a motion that a “Special Committee on Senate Modernisation be appointed to consider methods to make the Senate more effective within the current constitutional framework”.⁵⁸ The Committee has taken evidence from a number of witnesses, including Lord Hope of Craighead, Convenor of the Crossbench Peers, on the work of the Crossbench Peers in the House of Lords; and Meg Russell, Professor of British and Comparative Politics and Director of the Constitution Unit at University College London, on the House of Lords and bicameralism.⁵⁹

⁵¹ Independent Advisory Board for Senate Appointments, [Transitional Process Report](#), 31 March 2016, p 5.

⁵² Prime Minister of Canada, [Prime Minister Announces Intention to Recommend the Appointment of Seven New Senators](#), 18 March 2016.

⁵³ CBC News, [Trudeau’s Senators Mark a Break from the Senate’s Reputation](#), 19 March 2016.

⁵⁴ Senate of Canada, [Peter Harder: Non-affiliated](#), accessed 11 August 2016; and CBC News, [Trudeau’s Point Man in the Senate Taps Former Liberal, Tory as Deputies](#), 3 May 2016.

⁵⁵ Government of Canada, [News Release: Minister of Democratic Institutions Announces Launch of the Permanent Phase of the Independent Senate Appointments Process](#), 7 July 2016.

⁵⁶ Government of Canada, [Democratic Institutions: Frequently Asked Questions—Senate Appointments Process](#), accessed 11 August 2016.

⁵⁷ *ibid.*

⁵⁸ Senate of Canada, [Proceedings of the Standing Senate Committee on Modernisation](#), accessed 11 August 2016.

⁵⁹ Senate of Canada, [Senate Modernisation \(Special\): Witnesses](#), accessed 11 August 2016.

5. Further Information

5.1 Senate of Canada

- Senate of Canada, [Senate Procedure in Practice](#), June 2015
- Senate of Canada, '[A Legislative and Historical Overview of the Senate of Canada](#)', May 2001
- Library of Parliament, [Reforming the Senate of Canada: Frequently Asked Questions](#), 12 September 2011
- Library of Parliament, [Becoming a Senator: When and How it Occurs](#), 17 May 2012
- Library of Parliament, [Senate Reform: Topical Information for Parliamentarians](#), 2 June 2006
- Library of Parliament, [Senate Reform Proposals in Comparative Perspective](#), November 1992
- Historica Canada, '[Canadian Encyclopedia: Senate](#)', 13 May 2016
- [Canadian Parliamentary Review](#), Spring 2016, vol 39 no 1
- Campbell Sharman, '[Interesting Times for the Canadian Senate](#)', UCL Constitution Unit Blog, 25 February 2016
- Senator Serge Joyal (ed), *Protecting Canadian Democracy: The Senate You Never Knew*, 2003

5.2 Opinion on the Changes

- Aaron Wudrick (Federal Director of the Canadian Taxpayers Federation), '[Trudeau's Senate Reforms Could Do More Harm Than Good](#)', Huffington Post Blog, 15 August 2016
- Toronto Star, '[Editorial: Trudeau's Plan for Senate Reform Goes in Right Direction](#)', 3 December 2015

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