

**- CHECK AGAINST DELIVERY -**

**PRESENTATION BY GARY MAR, ALBERTA MINISTER OF INTERNATIONAL AND INTERGOVERNMENTAL RELATIONS**  
**TO THE SPECIAL SENATE COMMITTEE ON SENATE REFORM**

**ALBERTA'S HISTORICAL SUPPORT FOR REFORM**

Good afternoon Mr. Chairman and committee members. I am pleased to have this historic opportunity to appear before you to outline Alberta's position on Senate reform. Alberta's position is clear. For over a quarter of a century, we have strongly supported Senate reform. Over those years, there have been many reports, committees, and papers devoted to the subject, and virtually all have come to the same conclusion – Canada's Senate needs to be reformed. Albertans want to see a "Triple E" Senate. That is:

- an elected Senate;
- a Senate with equal provincial representation; and
- a Senate with effective powers to fulfill its historical mandate of representing provincial interests.

This position has its roots in the recommendations of the *Alberta Select Special Committee on Senate Reform*. In 1985, all parties in the Legislative Assembly of Alberta approved the committee's recommendations. On two other occasions, in 1987 and again in 2002, the Legislative Assembly endorsed the committee's recommendations. Albertans' desire and support for comprehensive Senate reform remains strong.

**ALBERTA'S EFFORTS ON REFORM**

In June 1989, Alberta took a significant step in pushing for Senate reform when the Alberta government introduced the *Senatorial Selection Act*. The *Act* enables our province to conduct Senate nominee elections so that Albertans can democratically choose their representatives in the Senate. So far, three Senate nominee elections have been held – in 1989, 1998 and 2004. Under the *Act*, province-wide candidates, whether independent or of registered provincial political parties, are selected by Albertans to become "nominees". The list of elected nominees is provided to the Prime Minister, with the expectation that the nominees will be appointed to fill Senate vacancies arising from Alberta.

In 1990, Alberta's first elected Senate nominee, Stan Waters, was appointed to the Senate by the Conservative federal government of Prime Minister Brian Mulroney. Subsequent Liberal federal governments have refused to appoint these Senate nominees. Currently, Alberta has four Senate nominees, all elected on November 22, 2004. Despite the fact that three Senate vacancies from Alberta existed after their election, none have been appointed to the Senate. Instead, the vacancies were filled with unelected appointees on March 24, 2005.

**EQUAL**

Alberta believes that reform of the Canadian Senate is essential. And, Alberta continues to support comprehensive constitutional reform to bring about a "Triple E" Senate that embodies the following three key principles. The first principle is that representation to the Senate is equal from each province. What is sometimes forgotten, or not easily understood, is that in a federal

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parliamentary system the representative functions of the Senate and the House of Commons are intended to be very different.

The House of Commons, based on representation by population, represents the democratic principle. The Senate, based on representation from each part of the country, is designed to represent the federal principle. Together, the two chambers reflect the national will. The rationale behind this structure is to ensure an appropriate expression of democracy and federalism.

Sub-national jurisdictions in the federation that have large populations will hold a majority of sway in the lower chamber and their interests will be reflected accordingly. At the same time, having a strong upper house, with equal representation from each jurisdiction, ensures that the interests of smaller ones are not ignored or eclipsed by those of the overwhelming majority. This upper house is an essential element in a properly operating federation, particularly one as large as Canada, where there is great diversity in priorities, needs, goals, and interests between the provinces.

As noted scholar K.C. Wheare wrote: “States may be reluctant to enter a federal union unless they are guaranteed some safeguard in one house of the legislature against their being swamped by the more populous members of the union... Equal representation in the Senate gives some sort of security to the smaller states that the powers which have been handed over exclusively to the federal government will not be exercised as a general rule in the interests of a few states. Unless there is this feeling of security and unless there are the checks and obstructions which such a second chamber provides, it may be impossible to initiate a federation or to work it successfully.” (Federal Government, 4th ed.)

The majority of federations in the world have upper chambers that provide equal representation for each of their sub-national jurisdictions. For example, in Australia, each state is represented by six Senators, regardless of its population. The upper house in Mexico is comprised of three Senators from each state.

At the time of confederation, Sir John A. MacDonalld acknowledged the need for equality in Canada’s Senate. He said: “In order to protect local interests and prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House of the Principle of Equality.”

Though the concept of equality was adopted, it was unfortunately applied imperfectly – an equal number of Senators were given to each “region” of Canada, rather than each province. This may have been defensible in 1867, on the basis that each “region” would have similar interests requiring protection and representation.

In 2006, however, this distribution does not reflect the modern character of the country. Each province has evolved in its own distinct way, with unique priorities, interests, concerns, and goals. Accordingly, each province should have its own representation in the Senate. This idea is hardly new. As early as 1908, Prime Minister Sir Wilfred Laurier was calling for such a distribution. He said: “What I would insist on is that each province should be represented by an equal number of Senators, that each province should stand in the Senate on the same footing, and that each province whether it be big or small should have a voice in the legislation, not according to the numerical strength of its population but according to its provincial entity.”

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If the Senate is to reflect the true national will, then the principle of equality that currently exists in the Senate must be extended from the archaic notion of “regions” to the modern reality of provinces.

### **ELECTED**

Alberta’s second key principle is that the members of the Senate of Canada are elected. It is obvious that a basic principle of democracy is that government is accountable to its citizens. Citizens should have the opportunity to select their representatives, and should have the ability to hold their representatives to account through free, regular elections.

Our current Senate does not reflect these basic democratic ideals. This lack of a democratic foundation impedes the Senate’s ability to fully execute its constitutional role. There is little doubt the Senators take their role to provide “sober second thought” seriously. But the nature of modern expectations is such that Canadians view it as inappropriate for an unelected body to block, amend, or pass judgment on the objectives of the elected House of Commons.

This puts our well-meaning Senators in what must be a frustrating position. Clearly, the Senate’s present lack of democratic foundation limits the ability of the Senate to fulfill its original representative function under the Constitution. To Albertans, this all points to the need for Senators to be directly elected by citizens.

### **ELECTORAL PROCESS**

Albertans demand the right and expect the opportunity to elect their representatives, including their Senators. Alberta has done its part to address this by holding Senate nominee elections, which allow Albertans to select those that they would like to see serve as their Senators. Alberta believes that the rest of the country should take similar steps towards ensuring that Senators are elected by residents of the province they represent.

Alberta also believes that Senate elections should be held under provincial electoral processes, with candidates running as independents or as members of provincially registered political parties. This is essential to ensure that the Senate reflects its intended purpose as a forum for representing provincial interests.

Two key issues arise if Senate elections are held under federal election processes:

- One, non-independent candidates would need to be from, and subject to, federally registered political parties, thereby undermining their ability to represent the interests of their provinces.
- Two, the makeup of the Senate would risk becoming a mere “echo” of the House of Commons, rather than an independently elected body with a separate and different composition and perspective. In my view, this would run contrary to the spirit and purpose of the Senate.

### **TERM OF OFFICE**

Presently, Senators hold their appointments until the age of 75. To many, this is tantamount to an “appointment for life”, without ever being required to seek a renewed mandate or be held accountable by the public. Under the current system, a Senator can serve a term as long as 45 years without ever being evaluated by the citizens he or she represents. Just as lawmakers in provincial legislatures and the House of Commons must submit to an election at regular intervals,

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so too should lawmakers in Canada's upper house. Alberta believes that Senators should be elected for a fixed and certain term of office.

### **EFFECTIVE**

Finally, Alberta's third key principle for Senate reform is that the Senate must be an effective body. If the Senate is to fulfill its intended purpose, then it must possess and be able to exercise effective legislative powers. As discussed earlier, the Senate was designed to represent the federal character of Canada and to act as a chamber of "sober second thought".

It is important to recognize, however, that the Senate's effectiveness in fulfilling this role is largely linked to its legitimacy in the eyes of the Canadian public. Constitutionally, there is no doubt that the Senate currently has considerable authority to play a role in the process of law-making. It can block or veto a Bill passed by the House of Commons. In practice, however, the Senate virtually never fails to ratify legislation sent to it by the House of Commons.

Senators recognize that Canadians would not support an unelected chamber blocking the will of the elected House. An elected Senate would have the legitimacy to play an effective, meaningful role in the parliamentary process.

### **MATTERS BEFORE THE COMMITTEE**

In conclusion, consistent with Alberta's long standing position on Senate reform, Alberta takes the following positions on matters being considered by this *Special Senate Committee on Senate Reform*.

- **Bill S-4:**

- Alberta can support the goal of Bill S-4 to limit the terms of Senators to only eight years.
- As discussed earlier, Alberta believes that Senators, like Members of Parliament, should have terms of fixed duration to ensure that they are accountable to Canadians.
- However, Alberta believes that Bill S-4 should be regarded only as a step towards greater reform of the way Senators are selected.
- Senators that are unilaterally appointed by the Prime Minister every eight years are no more democratic than Senators that are appointed for life.
- Imposing a shorter term, while welcome, does not address the Senate's fundamentally undemocratic composition and structure.

- **Murray-Austin Motion:**

- On the Murray-Austin motion – Alberta does not support the motion introduced by Senator Murray and Senator Austin.
- Although the motion would increase Alberta's representation in the Senate, in my view it would continue to reinforce the inequality of the Senate's composition.
- Alberta believes that, as the chamber intended to represent the interests of the provinces, each province should be equally represented in the Senate.
- Canada is not a federation of regions; it is a federation of provinces.
- Furthermore, the archaic distinction of Senate divisions along arbitrary regional lines no longer reflects the realities of our modern country.
- Each province in our federation has evolved and grown in its own unique way, and each province has its own priorities, goals, interests, and challenges.
- Accordingly, each province needs equal representation in the Senate.

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- Under the Murray-Austin motion, regional divisions would be maintained, and provinces that are more populous would continue to dominate the Senate, leaving it as a mere “echo” of the House of Commons.

### **CONCLUSION**

Mr. Chairman and committee members, thank you for this opportunity to outline Alberta’s positions on Senate reform. As I mentioned, Alberta’s position has remained virtually unchanged for the past quarter century. Albertans strongly support Senate reform so that our Upper Chamber is equal, elected and effective. I am now pleased to answer any questions you may have.