



The Canadian Senate has been discussed more than usual of late with the suspensions of Senators Patrick Brazeau, Mike Duffy and Pamela Wallin as part of an expenses scandal that reached into the Prime Minister's Office. Peter Goldring, Member of Parliament for Edmonton East thinks it is time Canada got serious about Senate reform and has a few suggestions.

The Senate of Canada, the chamber of "sober second thought" has come into disrepute lately. However it remains an important institution in our Parliamentary democracy, although perhaps in need of some reform.

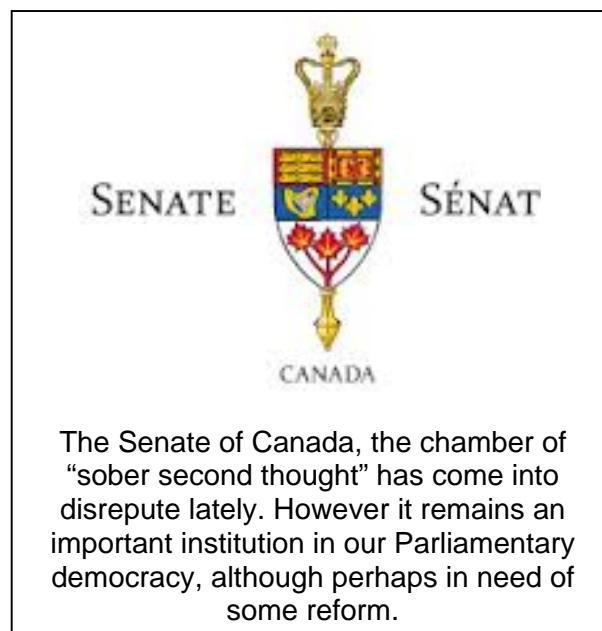
Mr. Goldring has done numerous radio and television interviews across Canada regarding his views on the lack of due process on the motion which suspended three Senators. Mr. Goldring accurately stated: "Looking at the Deloitte Reports, the reports do not indicate serious concerns for the Senators involved, all of this really draws

us back to the original statement I'm making that this should have been taken into a fully constituted committee for greater discovery on this important issue of Parliamentary efficacy and to wait for the actual police reports before making a final decision."

"The Governor General has the written constitutional authority to appoint and to dismiss Senators. So it would seem to me he might be concerned by what effectively is the dismissal of three of his appointees without due cause, and without the Governor

General's participation, as the Constitution seemingly demands," Mr. Goldring says. "The fact that the Crown seldom exercises its constitutional authority does not mean that the authority is not there to be used."

Indeed this should develop the discussion of the authority of the written word of the constitution versus the unwritten or certainly misunderstood constitutional convention. As well as discussing with many others on the importance of Sen-



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ate reform. Mr. Goldring has also been consulting with Professor Franks of Queens University for additional insight.

Mr. Goldring has suggested that the Governor General might also want to reconsider the process of recommending Senators for appointment, which at the moment is appointing those put forward by the Prime Minister.

“Perhaps an alternative non-partisan method would involve an independent advisory committee that presently provides recommendations to the Governor General of deserving people to be appointed to vice-regal positions by expanding it to include apolitical senatorial nominee as well as those electorally brought forward by certain provinces. This would not preclude people who have been involved in politics, but would perhaps help to make the upper chamber less partisan. The committee could consult with leaders from different fields such as business, industry, social services, agriculture or the arts to ensure the list of potential nominees reflected a representative cross-section of Canadian society.”

Mr. Goldring believes that all Parliamentarians, whether in the House of Commons or the Senate, need to follow the high-

est standards of ethical conduct. That includes respect for the rules of the institution and the careful stewardship of public funds. There should be no questionable expenses in the accounts of anyone who holds public office.

Mr. Goldring has put his concerns in writing in a response (sent November 8th, 2013) to a request to do so from the office of the Governor General in which Mr.

Goldring has asked for the opinion on the interpretation of the written word of the Constitution versus common practice.

These nominees by the Governor General nomination committee to be in keeping under the written word of the constitution and “convention” would engage the Prime Minister for the final selection process of Senatorial appointments as by convention for recommenda-

tion to the Governor General for ratification.

*Your Excellency,*

*As per the request from your office that I detail my concerns in writing, I wish to have your opinion on the interpretation of the written word of the Constitution versus common practice.*



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*The Constitution Act of 1867 (the British North America Act) states clearly in Articles 24 and 31 that matters of Senate appointment and vacancy are the purview of the Crown. Convention has been that the Prime Minister advises the Queen through you of candidates for Senatorial appointment, and those suggestions are routinely accepted. The authority though rests with the Crown.*

*Could you please advise me if the recent attempts in the Senate to effectively remove three Senators from office in any way infringe upon the authority of the Crown. The Constitution, Article 31(4), clearly spells out the circumstances under which a seat in the Senate is deemed to be vacant.*

*The current process under which the Honourable Senators Brazeau, Duffy and Wallin have been dismissed would seem to effectively remove them from office without constitutional authority. The Constitution is clear on dismissal of Senators for treason and serious criminal convictions, but that is not the case here. No-one has even been charged with a crime. An independent audit of the three Senators' accounts by Deloitte seemingly does not reveal serious impropriety on their part.*

*Constitutionally, does the Governor General have the authority to intervene in the internal workings of the Senate if an injustice is perceived to be done affecting the status of Senators appointed by your authority? Would this motion passed November 5 not come under consideration of your prerogative under Article 55-56 of the disallowance clause?*

*Also, if the current suspensions are challenged in the courts, as may well be the case as there has been no clear breach of Senate rules by the three suspended Senators, is it not possible to imagine that counsel for the Senators would seek to involve you in the proceedings as being the constitutional authority for appointment and dismissal?*

*For future clarity, given the prevailing discord politically in the Senate, would it not be advisable to revisit the written word of the Constitution that states that all authority to appoint and dismiss Senators is by your office - and also could your office strike a nomination committee with the Lieutenant-Governors of the provinces and territories to review applicants through an apolitical lens for future appointments.*

*Given the consternation that has surrounded political life in the Senate in particular in Canada in the past few years, per-*



Mr. Goldring has suggested that the Governor General might also want to consider improving the process of recommending Senators for appointment by the Prime Minister.

haps it is indeed time for the Crown, through an apolitical nominating committee, to take a more active role in the selection and appointment of Senators.

I note that the selection process for appointing Lieutenant-Governors in recent years has been changed from being on the sole recommendation of the Prime Minister to being from a short list suggested by the Advisory Committee on Vice-Regal Appointments. I would respectfully suggest that it is time for a parallel approach to appointments to the Senate. Perhaps even by using the very same advisory committee which would effectively constrain the politics of such appointments.

Such a committee, perhaps involving the provincial and territorial Lieutenant-Governors, could make recommendations to the Prime Minister for senatorial appointments based on consultation with leaders in different fields, including business and industry, academia, arts and entertainment, agriculture and fisheries for nomination recommendations. Removing politics from the nomination process would certainly change the makeup of the Senate, I think for the better.

I would appreciate very much your considered opinion of the matter.

**Update:** The Senate voted Tuesday, November 5, 2013 to effectively fire three Senators over unsubstantiated allegations that each claimed tens of thousands of dollars in improper expenses. The senators will keep their life insurance and medical benefits but will lose their paycheques and other Senate privileges for two years.

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*This brochure series is intended to highlight special issues that Member of Parliament, Peter Goldring, has been involved in. If you wish to comment, please take a moment to fill out the survey below, write or call to the address above.*

**Your Opinion Matters...**

Q1: Do you think that the Governor General should consider having input in the process of recommending Senators to the Prime Minister for appointment?

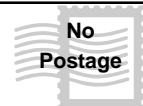
Yes       No

Q2: Do you believe that the Senate of Canada is an important institution to reform and retain?

Yes       No

Comments: \_\_\_\_\_  
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Name: \_\_\_\_\_  
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