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THE SENATE

MOTION TO AFFECT COMMITTEE MEMBERSHIP—DEBATE

Speech by:
The Honourable Diane Bellemare

Wednesday, October 28, 2020

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Hon. Diane Bellemare: Honourable senators, I'll speak mostly in French. However, I would like to summarize my arguments, which I will propose to you. First, I want this motion that the committee resume. That is for sure. I don't want to delay any work. And all of you also know the modernization of the Senate is dear to me, and especially my Conservative colleagues, who were my colleagues and still are, know that I walk the talk also.

In this motion I would like to introduce an amendment, and I think it is a reasonable one. My amendment is based on the argument that dispositions 8 and 9 of the motion contradict the zest of rule 12-2(3), where it says that:

Except as otherwise provided, once the report is adopted by the Senate, Senators appointed to the standing committees and the standing joint committees shall serve for the duration of the session.

This rule has been there for a long time, but we don't know how long. I asked the clerks and they said it has always been there. It has always been respected, except in the Forty-second Parliament, where we had the arrival of new senators. We had sessional orders. And at that time I was in the GRO, so I didn't want to do anything that would be dangerous to the committee formation. Now I'm an independent senator so I can say what I really think about these dispositions and why they should be removed from the sessional order that we have.

It is a dangerous idea to have those dispositions because they ruptured the delicate balance between the influence of a group and a caucus on a senator and their own liberty to do things as they see fit. It was there when we had a duopoly, and I think many of you don't know — but now you do — that I have been with the Conservative caucus.

When I left the Conservative caucus, I kept my seats on committees, except for one committee. After a while, a senator in the Conservative caucus wanted to take that seat and he did, through rule 12-5. But otherwise, I sat on the Finance Committee and on the Banking Committee until the end of the session.

[*Translation*]

In my opinion, paragraphs 8 and 9 are very dangerous because they contradict the fundamental principles of the reform that seeks to establish a less partisan, more independent and more transparent Senate. In fact, paragraphs 8 and 9, which require a senator to abandon their seat if they change party membership, contradict the principle of plurality, which is very important in the Senate to prevent a majority rule that we are attempting to overcome in this chamber, as compared to the other place. I will explain this a little later.

The second principle that contradicts these paragraphs is that of proportionality between groups, for reasons which I will also explain, and the principle of the equality of senators, so that all senators can exercise their constitutional mandate with the same tools and the same participation in committees.

Let me start with the principle of plurality. Paragraphs 8 and 9 eliminate the fluidity of movement between groups. As we know, the plurality of the groups is a major element that must be considered to make the Senate less partisan and more independent.

As honourable senators may know, every senate in the world, with the exception of the United States Senate and, in the past, the Senate of Canada, is made up of several groups so that no one group can count on a majority of the votes. The reason is obvious. A senate has a duty of sober second thought and must prevent the other chamber from using its majority to force the passage of legislation that may, in some way, have an impact on minority groups or on certain regions. If the Senate wants to apply sober second thought, if it wants to be truly objective and impartial and counter majority rule, it can't have a majority itself. No group can have a majority.

The principle of plurality, then, is eminently important, and this fluidity must be respected.

In addition, the proportionality principle, which exists in all senates around the world with respect to the composition of groups, hinges on the portability of committee seats so that it can be upheld throughout a session.

Here's a very simple example. Suppose there's a group made up of 20 senators. It loses two senators, or 10% of its members. Let's say those two senators join another group made up of 20 senators. That group now has 22 senators, having increased its membership by 10%. If the existing rule were properly applied, the group now made up of 18 senators would be able to claim approximately 22% of the seats, and the other group, made up of 22 senators, would be entitled to the same number of committee seats as if it had 18 members.

If the session is very long, that means that if each of those senators belonged to two committees, the group that loses members would have four committee seats to distribute among its 18 senators. Some would join three or even four committees. The committee that gets two senators in a group that now has 22 senators, each member of which sits on two committees, would have to give one seat to the two new members. The senators in question would therefore sit on one committee. Some of them will have that opportunity.

If we want to ensure that the rule on proportionality is always followed, then the committee seats must be portable. That is how we can ensure equality among senators in the performance of their duties. If committee seats are portable and we assign a senator a task at the beginning of the session and they carry out that same task throughout the session, the workload will be fair for all senators under the rule on proportionality. Whether a

senator stays or goes, they must transfer their committee seats, otherwise it will create an imbalance in the number of committee seats per group and the rule of proportionality will no longer be respected nor will equality among senators.

A senator who decides to leave a group does not plan to do so, I can tell you that. It is something that can happen in a senator's life. It happens regularly when the sessions are long. If a session lasts a really long time, like the last time, the imbalance between the principles of proportionality and equality will continue.

There are some other little things that bother me about this motion, but paragraphs 8 and 9 are the ones that I find the most troubling.

[*English*]

MOTION IN AMENDMENT

Hon. Diane Bellemare: Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended:

- (a) adding the word "and" to the end of paragraph 6 in the English version; and

- (b) replacing paragraphs 8 and 9 by the following:

"8. except in the case of the Standing Committee on Ethics and Conflict of Interest for Senators, a senator who changes their affiliation cease to be chair or deputy chair of any committee on which the Senator held such a position."

[*Translation*]

In other words, by deleting paragraphs 8 and 9 from the motion, we can uphold rule 12-2(3), which clearly states that a senator must serve for the duration of the session. Plus, there's always rule 12-5, which can be used to remove a senator from a committee.

By deleting paragraphs 8 and 9 while maintaining the exception stating that a senator who leaves a group ceases to be a committee chair or deputy chair, we can maintain proportionality, which doesn't apply to chairs or deputy chairs, and at least we can uphold proportionality with respect to the mandates and equality of senators.

With that, I'm ready for any and all questions. Thank you.