

THE RIGHT TO VETO BILLS

Our study of Senates around the world in 2014 indicates that the legislative power of the Senate institution has three components: the legislative initiative, the power to amend legislation and the right to veto bills. This text deals with the right to veto bills, that is, the ability of the upper chamber to oppose bills submitted by the lower chamber. We identified two types of veto:

- **absolute veto**, and
- **suspensive veto**.

Only 12 of the 80 Senates around the world have the right of **absolute veto**. Our first example is the Senate of Canada. It can refuse to pass any legislative text submitted by the Chamber of Commons. In practice, this immense power is very rarely used today. In fact, since 2000, only two bills from the Chamber of Commons have been vetoed by the Senate. In 2002, Bill C-10, An Act to amend the Criminal Code and the Firearms Act, was rejected and simply split into two bills in order to better study them. Then in 2010, Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change, was defeated at second reading in the Senate. From 1960 to 2000, only six bills were blocked by a Senate veto, including one bill concerning a form of criminalization of abortion in 1991. Prior to 1960, you would have to go back to 1941 to find a bill that was vetoed by the Senate. From 1900 to 1940, 67 bills were vetoed by the Senate. From 1868 to 1899, 57 bills were rejected by the Senate. In total, the Senate of Canada has imposed its right of veto on 133 bills since Confederation in 1867.

In the United States, the Senate also has absolute veto power. However, before blocking legislation, the U.S. Senate sends the bill to a special committee to re-examine the bill and make amendments.

As a last example, the Senate of Australia perhaps enjoys the greatest veto power. In fact, if bills go back and forth between the two chambers and there is still disagreement, the Senate can force the simultaneous dissolution of both chambers, thereby forcing an election. Since 1901, when contemporary Australia was established, this procedure has been used six times—in 1914, 1951, 1974, 1975, 1983 and 1987.

The **suspensive veto** is available to 49 of the 80 Senates around the world in 2014. In this case, the upper chamber suspends passage of a bill for a determinate period. Following discussions between the chambers, the bill can be amended by the lower chamber. However, in every case, the lower chamber has the last word. The upper chambers of South Africa, Germany, Argentina and Mexico have a suspensive veto.

There are 19 Senates that simply do not have a right of veto. The Senates of Morocco, Indonesia and the Netherlands, among others, cannot impose their veto on bills from the lower chamber.