



# The Senate REPORT

Volume 1, Issue 1 January 2001

## Welcome!



Welcome to the inaugural edition of *The Senate Report*, a quarterly newsletter that seeks to inform Canadians of the activities of Senators in the Red Chamber, in Committees and in the community at large.

One hundred and five Senators play a pivotal role in representing regional and minority interests while contributing to the development of public policy. Their work touches on every aspect of the government's domestic and international agenda, ranging from the use of bovine growth hormone in livestock to Canada's role in the North Atlantic Treaty Organization.

The Senate Report will cover news and views on these issues and the people who deal with them, as well as on the institution's successes and its challenges. In so doing, we hope to enhance your knowledge of the legislative process and to promote understanding of, and dialogue on, the Senate's legislative responsibilities.

We look forward to hearing from you!

William Rompkey  
Chair of the Editorial Board



## Overview

### The Senate of Canada: a Profile

The Founders of Confederation envisaged the Senate as a place where legislation would be examined and revised, where national issues would be investigated in depth, and where regional, provincial and minority interests would be promoted. It was to be a place where all regions would be equally represented, regardless of population fluctuations, in order to balance representation in the House of Commons. This is the foundation on which today's Senate continues to serve Canadians.

Over the years, the Senate has played an important role in promoting equality in Parliament. For example, one-third of the 105-member Chamber is made up of women, a higher percentage than in any other legislature in Canada.

Individual Senators and Senate committees are able to explore public policy issues in more depth and with greater freedom from partisan political dynamics. Topics that have come under Senate scrutiny over the past year include the Clarity Bill, the health system, illegal drugs, palliative care, aboriginal self-governance, international trade and human rights protection – to name but a few.

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## Senator's Forum

*Gildas L. Molgat, Speaker of the Senate*



The Senate has a long and proud tradition of reaching out to Canadians in order to seek their views on the issues of the day. For over 130 years, Senators and their committees have criss-crossed the nation to ensure that government initiatives benefit from the contributions of informed citizens.

Given this history of public outreach and involvement, I wish to congratulate my colleagues on the Senate Committee on Internal Economy, Budgets and Administration for launching the first issue of *The Senate Report*, a publication dedicated to informing Canadians of ongoing work in our Chamber, the place of «sober second thought».

I look forward to your reflections on the role we play and the ways in which you, individuals, non-governmental organizations, associations, educators and thousands of others engaged in public policy issues, can help us fulfill our responsibilities.

**Gildas L. Molgat, Speaker of the Senate**

## Retrospective

In the most recent Session of Parliament (October 12, 1999 to October 22, 2000), the Senate considered a wide range of proposed legislation and public policy issues.

► The Senate considered all 30 Government bills passed by the House of Commons and the nine bills introduced by the Government in the Senate, amending five of them and adopting 29 without amendment. The House of Commons adopted all Senate amendments. Five Government bills were still under consideration when Parliament was dissolved by the Governor General on the advice of the Prime Minister.

► In 88 Orders of Reference, Senate Committees heard 1,107 witnesses, resulting in 114 Senate Committee reports. Senators heard over 680 hours of testimony in 390 Committee meetings.

Comparable figures for the complete 36<sup>th</sup> Parliament (September 22, 1997 to October 22, 2000) are as follow:

► The Senate considered all 116 Government bills (98 passed by the House of Commons before being considered by the Senate and 18 introduced by the

Government in the Senate), amending 19 of them and adopting 92 without amendment. The House of Commons adopted all Senate amendments, making only minor modifications to two of them. Five Government bills died on the Order Paper.

► In 270 Orders of Reference, Senate Committees heard 4,562 witnesses, resulting in 334 Committee reports. Senators heard 2,635 hours of testimony in 1,354 Committee meetings.



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## Feature

### *The Opening of Parliament and the Beginning of a Session*

On the advice of the Prime Minister, the Governor General of Canada, on October 22, 2000, dissolved Parliament and gave orders for issuing writs of election for November 27. As a result, all legislation that was under consideration at the time died on the Order Paper.

The first session of the 37th Parliament will begin on January 29, 2001, at 11 a.m., in the Senate Chamber, followed by the Speech from the Throne on January 30, 2001. Before Parliamentarians in both Houses can get down to business, however, they take part in the formal opening day ceremony, which dates back some 400 years and that brings together the Sovereign, the Senate and the Commons to begin the new session.

Parliament is formally opened and the Speech from the Throne read only after certain formalities are completed. When the House has first assembled prior to the hour of the formal opening of a Parliament, the Clerk of the House leads the Members to the Senate, where they are informed that the Speech from the Throne will be read once the members have elected a Speaker. The Members return to the House and proceed, by secret ballot, with this election. Having done so, the House is properly constituted.

The following day, the Members gather in the House of Commons Chamber and are summoned to the Senate Chamber, where the Prime Minister, members of the Privy Council and Senators are waiting. When the Commons Speaker and Members reach the Senate, they approach the bar, a brass barrier inside the entrance marking off the area where non-members may be admitted. As this session will be the first in a new Parliament, the



Speaker of the House of Commons claims the traditional rights and privileges of the Commons and enters the Chamber. On behalf of the Governor General, the Speaker of the Senate acknowledges the constitutional privileges of the Commons.

The Governor General then reads the Speech from the Throne – written by the Government – which sets out the policies and legislation it intends to introduce, after which

the Members of the House of Commons and the Governor General depart. Senate pages then place a small temporary chair in front of the Throne for the Speaker of the Senate. Senators and guests remain standing. The Speaker ascends the dais in front of the Chair, and declares, "The sitting of the Senate is resumed." Once the Speaker is seated, others resume their seats until the Senate adjourns.

The first item of Senate business is the introduction of a *pro forma* bill by the Leader or Deputy Leader of the Government. This serves to symbolize that the Senate may deal with any public business of its choosing and is not limited to considering proposals in the Speech from the Throne.

The Speaker of the Senate reports that the Speech from the Throne was delivered earlier, and it is placed on the record. The Deputy Leader of the Government moves that "the Speech be taken into consideration at the next sitting of the Senate." The motion is always adopted, and the Speech appears as an item on the Order Paper at subsequent sittings.

The Deputy Leader of the Government then proposes the names of nine senators to serve on the "Committee of Selection" which will make recommendations to nominate a Senator to serve as Speaker *pro tempore* and Senators to serve on all other committees, the focal point of the Senate's activities.

Finally, the Senate adjourns for the day, to reconvene in a more ordinary sitting on the next business day. All rise while the Speaker leaves the Chair and departs from the Chamber in a procession led by the Usher of the Black Rod and the Bearer of the Mace.

## Committee Activity

Senate committees have been described as "the heart and soul of the Senate". They are the most important means by which Senators contribute to public policy development. Committees provide a forum for the examination of proposed legislation and investigate issues that affect Canadians in their daily lives. Made up of five to 15 Senators, committees are mandated to study, in detail, proposed legislation, to investigate policy matters, and to examine government spending proposals, or Estimates.

Committees hold hearings to gather all facts related to the issue they examine. They invite cabinet ministers, public servants, experts, organizations and individuals to present their views and answer questions from Senators. Committees sometimes travel across Canada to hear from Canadians particularly affected by the issue or legislation being studied. Senators discuss the views and testimony presented to them, attempting to build a consensus for a report containing practical and coherent policy analysis and recommendations.

### *Committee Reports*

In an average year, Senate committees hold 400 meetings, spending over 800 hours analyzing policy and reviewing the legislative proposals of the government. Drawing on expert opinion, ideas and information taken from nearly 1400 witnesses, Senators produce over 100 reports each year, all of which are presented to the full Senate. Reports may include amendments to legislation or observations and recommendations on policy. Some examples over the last year include:

#### *Aboriginal Peoples —Forging New Relationships: Aboriginal Governance in Canada (February 15, 2000)*

The Committee looked closely at structures and mechanisms for negotiating and implementing treaties and agreements, as well as Aboriginal self-government. Among its many recommendations is the establishment of a new Office of Aboriginal Relations responsible for negotiating and implementing relationships with all Aboriginal peoples. The Committee heard from 107 individual witnesses, including representatives from dozens of aboriginal nations and groups.

#### *Banking, Trade and Commerce — The Taxation of Capital Gains (May 5, 2000)*

The Committee considered arguments for and against reducing or eliminating the capital gains tax. The report recommends that, at a minimum, the Canadian capital gains tax rate should quickly be lowered to match the rate in the United States in order to maintain international competitiveness. In his Economic Statement and Budget Update of October 18, 2000, the Minister of Finance announced the Government's intention to reduce the inclusion rate for capital gains from 66.66 per cent to 50 per cent.

#### *Foreign Affairs —The New NATO and the Evolution of Peacekeeping: Implications for Canada (May 5, 2000)*

The Committee considered a number of questions of importance to Canada's foreign policy, relating in particular to Canada's role in the North Atlantic Treaty Organization, the need to provide a solid foundation for the concept of human security in Canada's foreign policy and the strengthening of Parliament's role in foreign policy.

#### *Sub-committee to update "Of Life and Death" —Quality End-of-life Care: The Right of Every Canadian (June 6, 2000)*

This Sub-committee concluded that calls for a more compassionate and comprehensive approach to end-of-life care appears to have a low priority in the existing health care system. The committee concluded that each Canadian is entitled to have access to skilled, compassionate, and respectful care at the end of life, and that this objective requires the development of a national strategy by the federal government.

#### *Special Studies*

Senate committees conduct an average of 34 special policy studies, authorized by the institution on its own initiative and independent of the government. The Senate recently embarked upon two new studies designed to identify and develop options for future public policy debate; both were interrupted by the dissolution of Parliament:

#### *Special Study of the State of the Health Care System in Canada*

The Social Affairs, Science and Technology Committee has begun to examine the state of the health care system in Canada. The Committee has already completed Phase I of its work.

The work plan provides for five more phases of study, all of which are to be completed by the end of 2002.

#### *Special Study of Illegal Drugs*

In the spring, the Senate established a special committee to reassess Canada's anti-drug legislation and policies. After research and preparations over the summer, the Committee began its public hearings in October. This in-depth study is expected to continue in the next Parliament.

## Legislative Activity

While individual Senators introduce a number of bills on their own initiative, the government is the source of most bills that reach the Senate. In an average year, the government's proposals will necessitate Senate committees to undertake 50 individual legislative studies. Highlights of the Senate's contribution to the legislative process during the second session of 1999-2000 include:

- ▶ Amendments to the electronic commerce legislation, strengthening safeguards for the privacy of personal medical data. The Senate's amendments were agreed to by the House of Commons.

- ▶ Amendments to the *Criminal Records Act* to limit the scope of the government's proposal to make data about pardoned criminal offences available through the Canadian Police Information

Centre. The amendments were adopted by the House of Commons.

- ▶ In-depth analysis of bills, not always allowed for by the House of Commons' agenda. For example, the Commons committee studying the *Clarity Act* completed its work over 11 calendar days, giving each witness 45 minutes to make an opening statement and answer questions from 16 members. In contrast, the Special Senate Committee studying Bill C-20 conducted its work over a 32-day period, often sitting late into the night to make it possible to allow 30 individual witnesses up to two hours each to explain their views and answer questions. An average of 27 Senators attended the meetings of this 15-member Special Committee.

- ▶ Passage of Bill S-20, the *Tobacco Youth Protection Act*, an initiative of Senator Colin Kenny. The Act would

establish an industry levy to provide a substantial, stable source of funding for projects that focus on reducing tobacco consumption by young people, under the direction of a foundation that is at arm's-length from government. As the Bill had not yet been called for debate in the House of Commons when Parliament was dissolved for the election, it died on the Order Paper.

- ▶ Passage of Bill S-5, *An Act to Amend the Parliament of Canada Act (Parliamentary Poet Laureate)*, an initiative of Senator Jerahmiel Grafstein. The Act would establish an officer of the Library of Parliament called the Parliamentary Poet Laureate whose function would be to write poetry, particularly for use in Parliament on occasions of state. Again, as this Bill had not yet been called for debate in the House of Commons when the election was called, it died on the Order Paper.

## Senate Events

### *The Famous Five*

In 1929, Emily Murphy, Nellie McClung, Irene Parlby, Henrietta Muir Edwards and Louise McKinney (the "Famous Five") won a ruling from the Judicial Committee of the Privy Council that women were indeed persons and therefore eligible for appointment to the Senate. The following year, Cairine Wilson of Ontario made history as the first woman appointed to the Senate.

Since that time, women have seen their membership in the Senate rise from one solitary member to over one-third, with 34 women in today's Senate – the highest proportion of women in all the legislative assemblies in Canada, of which the Senate is justly proud.

On October 18, 2000, the Speaker of the Senate, the Honourable Gildas L. Molgat, and Senators, including all serving women Senators, attended the unveiling by the Governor General and the Prime Minister of the monument honouring these women's rights pioneers adjacent to the Senate precinct on Parliament Hill.







### *Restoring the Bell*

The Speaker of the Senate, the Honourable Gildas L. Mogat, and the Speaker of the House of Commons, the Honourable Gilbert Parent, were joined by Minister of Public Works and Government Services, Alfonso Gagliano, and Mike Pedersen, Chairman of the Canadian Bankers' Association (CBA), in unveiling the restored Victoria Tower Bell.

The Bell, which crashed from the Centre Block Tower when a fire engulfed the building in February 1916, fell just as it was striking midnight. The CBA contributed \$50 000 towards the preservation of this piece of Canadian history.



### *The Senate Remembers*

A series of eight inspiring paintings depicting scenes from World War I line the Senate Chamber, a vivid reminder of Canada's contribution to the "war to end all wars".

Last November, these images provided the backdrop for the launch of Veterans' Week. Over 400 people gathered for the ceremony, presided over by the Speaker of the Senate, the Honourable Gildas L. Molgat. Highlights of the event included the proclamation of a new Commemorative Distinction for uniformed and civilian personnel who participated in the British Commonwealth Air Training Plan during the Second World War. Speaker Molgat, on behalf of the Governor General, also presented five Canadian Forces veterans and serving personnel with Canadian Peacekeeping Services Medals.

### *Meeting Special Needs*

Senators Brenda M. Robertson and Sharon Carstairs presented the *Action Plan on Accessibility for Persons with Disabilities* to the Senate. Adopted last April, the Plan was the inspiration for raising awareness on disability.

An Information Fair attracted an estimated 1000 visitors to the booths of 40 community

organizations and private and public sector participants, including the Canadian National Institute for the Blind, the Canadian Hearing Society, the Multiple Sclerosis Society and the Human Rights Commission. Many displays featured adaptive technologies to help people with a variety of disabilities overcome workplace barriers.

On Partnership Day, Senate employees were partnered with individuals with mobility, visual, auditory and mental disabilities in order to better understand workplace accessibility problems facing disabled persons. At the same time, disabled persons had the opportunity to learn about the Senate's increasingly barrier-free environment.

## Connections

Senate Information Line: 1-800-267-7362  
Senate Communications Directorate : (613) 992-1149  
Parliament of Canada: [www.parl.gc.ca](http://www.parl.gc.ca)  
Individual Senators' websites: [www.sen.parl.gc.ca](http://www.sen.parl.gc.ca)

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