

LEGISLATIVE ASSEMBLY OF MANITOBA

**REPORT OF THE
SPECIAL COMMITTEE ON SENATE REFORM**

NOVEMBER 9, 2009



LEGISLATIVE ASSEMBLY OF MANITOBA
SPECIAL COMMITTEE ON SENATE REFORM

The Honourable George Hickey
Speaker of the House
Room 244, Legislative Building
Winnipeg, Manitoba
R3C 0V8

November 17, 2009

Mr. Speaker,

In accordance with the provisions of Section 4 of Schedule D of the Elections Reform Act, I am providing you with the following *Report of the Special Committee on Senate Reform*, for tabling in the House. The Committee adopted the report, on division, on November 9, 2009.

Respectfully submitted,

Original signed by

Erna Braun

MLA for Rossmere

Chairperson of the Special Committee on Senate Reform

REPORT ON SENATE ELECTIONS

I. Committee Mandate

The federal government has committed to moving forward with Senate reform. In response, Manitoba established an all party committee to ask Manitobans how senators could be elected. The federal government asked provinces to consult and ask for input on Senate selection. The all-party process on consultations on Senate elections reflects legislation Manitoba passed in 2006. It is timely to move forward because legislation to create eight-year term limits for senators was introduced recently in Parliament.

The Act to establish the committee also set out its mandate. The committee considered:

- Matters relating to the election of senators for Manitoba;
- The manner in which an election of senators should be conducted, including whether senators should be elected using proportional representation, or by any other form of voting; and
- How to ensure that the election of senators will result in a better representation of all the regions of Manitoba.

II. Committee Members

CHAIRPERSON:	Ms. Erna Braun (Rossmere)
VICE-CHAIRPERSON:	Mr. Ralph Eichler (Lakeside)
MEMBERS:	Mr. Len Derkach (Russell)
	Mr. Greg Dewar (Selkirk)
	Mr. David Faurchou (Portage la Prairie)
	Ms. Jennifer Howard (Fort Rouge)
	Mr. Gerard Jennissen (Flin Flon)
	Mr. Kevin Lamoureux (Inkster)
	Ms Flor Marcelino (Wellington)
	Mr. Doug Martindale (Burrows)
	Mr. Tom Nevakshonoff (Interlake)
	Mr. Blaine Pedersen (Carman)

III. Committee Process

A seven-person sub-committee of the all-party committee of the Manitoba Legislative Assembly held nine public meetings to ask Manitobans how senators should be elected to represent the province in the Senate of Canada.

Public meetings were held in Brandon, Carman, Dauphin, Flin Flon, Norway House, Russell, St. Laurent, Steinbach and Winnipeg.

The committee used the Legislative Assembly website and advertising to provide information to the public. The website outlined information about:

- The background and mandate of the committee

- Committee membership
- Registering to make a presentation
- Meeting notices
- *The Elections Reform Act*
- Motions establishing sub-committee
- Manitoba Senators
- Senate of Canada

Members of the public registered by phone to provide oral presentations to the committee. The general public also provided information to the committee by way of written submissions and at public hearings.

The committee heard 51 presentations at the public hearings and considered 32 written submissions sent via regular mail, fax and email.

IV. Discussion Points

1) Current Status of Senate

On June 13, 2006, Bill 22 – *The Elections Reform Act* was approved by all parties in the Manitoba Legislative Assembly. The Act stated that “*if not abolished, the Senate should consist of democratically elected members rather than members appointed by a process involving patronage appointments*”

Manitoba’s Senate was abolished in 1875 and a single legislative assembly has served this province well. A number of presenters expressed the view that this would also be the case at the federal level.

Regardless of whether presenters agreed that the Senate should be abolished, there is clear consensus that the current process of appointing senators must be scrapped and replaced with a more democratic alternative.

2) Electoral Jurisdiction

In the event that Senate elections are held, there needs to be a degree of predictability built into electoral cycles. These elections could be held during federal, provincial, or municipal elections, or on their own.

Senate elections are costly, as demonstrated by the \$3 million spent by Alberta when its Senate nominee election was held in conjunction with provincial elections. These costs would increase if elections were held on their own.

3) Elections Protocols

Both the federal and provincial election laws have contribution and expense limits. Many presenters agreed that any Senate election should be subject to similar laws.

4) Direct Versus Indirect Election of Senators

Nearly all presenters argued that the selection of senators through election would be a positive step since it would allow Manitobans to cast a ballot to determine who sits in the upper house. Models of direct and indirect election were proposed.

Indirect election proposals included the selection of senators by an arms length legislated committee as well as a legislative process requiring a majority endorsement of MLAs from each party in the legislature.

Direct election proposals included the current plurality voting both from constituencies and province wide. Proportional representation models were proposed which included the use of party lists.

Most presenters argued that there should be direct election of senators meaning that Manitobans would be able to cast a ballot to determine who sits in the upper house on their behalf.

5) Representation

Some presenters suggested strongly that an electoral system should be developed so it does not mirror the model used to elect the House of Commons.

The current electoral system for electing MPs is weighted more heavily toward representation by population, meaning urban areas have a greater voice in Parliament than rural and northern areas. Many presenters raised concerns about the best way to represent and reflect all Manitobans in the Senate. A majority of the presenters suggested that regional considerations need to be taken into account when moving forward with Senate elections. Several presenters suggested that provisions should be in place to ensure minority representation in the Senate.

As a result, presenters argued that Senate elections must be held to ensure that regional issues and regional diversity are better reflected. It was also voiced that the Senate continue its traditional role of providing a forum where minorities are represented.

6) Voting Procedure

There was some discussion of whether the first-past-the-post electoral system should be changed to a new electoral model such as proportional representation.

While the idea of proportional representation has garnered both interest and attention, voters in British Columbia voted against adopting the system in 2005 and 2009, and Ontario voters followed suit in 2007.

While some presenters see merit in considering proportional representation, it appears the simplicity of the first-past-the-post system makes it preferable to other electoral models. The New Brunswick government decided in 2007 not to go ahead with a referendum of its own on the same issue.

7) Candidacy

Regardless of the model suggested, presenters agreed candidates independent of party affiliation should be allowed to seek office. This is also the practice in municipal, provincial and federal elections.

8) Process for Filling Seats

There was no clear consensus on if a Senate election should be held immediately on vacancy or whether seats should remain vacant until a federal election is held.

However, elections during a federal writ would be preferable to minimize costs and to ensure greater voter turnout, which might not be the case if Senate elections were held on their own.

9) Term Limits

The majority of presenters favoured some form of term limit. The federal government recently proposed eight-year terms for senators, an idea that was discussed during committee meetings. There appears to be little objection to this reasonable restriction to holding office.

10) Constitutional Considerations

The current constitution provides some restrictions on who can be appointed as a Senator. In addition to restricting eligibility to property owners (thereby excluding First Nations people where land title is held by the Crown), the age restriction of 30 years of age is something the federal government should consider addressing for Senate requirements.

V. Recommendations

If the federal government moves forward on its commitment to elect senators, it should respect the view of all parties in the Legislative Assembly of Manitoba. The committee offers the following recommendations on Senate elections:

1. Elections should be held in the province to elect nominees to the Senate that will be forwarded to Ottawa. Elections should be administered through Elections Canada with costs being the responsibility of the federal government.
2. The method of voting should be first past the post.
3. There should be regional representation amongst Manitoba's allotment of six Senate seats:
 - i. Winnipeg (3)
 - ii. South (2)
 - iii. North (1)
4. Elections should be held in each of the regions. The person(s) with the most votes in each region would be placed on the list of nominees that would be submitted to the Prime Minister.
5. The current proposal of an eight year term limit by the federal government is in keeping with what was heard from presenters.

APPENDIX I

MEETINGS OF THE SPECIAL COMMITTEE ON SENATE REFORM

Your Committee met on the following occasions in Room 255 of the Legislative Building:

- December 4, 2008
- March 27, 2009
- June 8, 2009
- November 9, 2009

Matters under Consideration

- Arrangements for consultations with Manitobans on Senate Reform
- Further arrangements for consultations with Manitobans on Senate Reform
- Preparations for developing the final report of the committee

Committee Membership

Committee Membership for the December 4, 2008 meeting:

- Ms. BRAUN
- Mr. DERKACH
- Mr. DEWAR
- Mr. EICHLER
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. JENNISSEN
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN
- Ms. SELBY

Your Committee elected Ms. BRAUN as the Chairperson.

Your Committee elected Mr. EICHLER as the Vice-Chairperson.

Committee Membership for the March 27, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. DEWAR
- Mr. EICHLER (*Vice-Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. JENNISSEN
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. MARTINDALE
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN
- Mrs. TAILLIEU

Substitutions received during committee proceedings at the March 27, 2009 meeting:

- Mr. GOERTZEN for Mrs. TAILLIEU

Committee Membership for the June 8, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Ms. BRICK
- Mr. DEWAR
- Mr. EICHLER (*Vice-Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. MARTINDALE
- Mr. PEDERSEN
- Mrs. ROWAT
- Ms. SELBY

Committee Membership for the November 9, 2009 meeting:

- Ms. BLADY
- Ms. BRAUN (*Chairperson*)
- Mr. DEWAR
- Mr. EICHLER (*Vice-Chairperson*)
- Mr. FAURSCHOU
- Ms. KORZENIOWSKI
- Mr. LAMOUREUX
- Hon. Ms. MARCELINO
- Mr. PEDERSEN
- Mr. SARAN
- Mrs. TAILLIEU
- Mr. WHITEHEAD

Substitutions received during committee proceedings at the November 9, 2009 meeting:

- Mr. ALTEMEYER for Hon. Ms. MARCELINO
- Mr. MARTINDALE for Ms. KORZENIOWSKI
- Hon. Ms. ALLAN for Mr. ALTEMEYER

Motions

Your Committee agreed to the following motion at the December 4, 2008 meeting:

- *That a Subcommittee on Senate Elections be established to travel and consult with Manitobans; and*

That the subcommittee's membership be four NDP members, two Progressive Conservative members, and one Liberal member – with the membership to be provided in writing to the Clerk's Office by the Whips prior to each meeting; and

That the sub-committee hold meetings across Manitoba in January and February of 2009 to consult with Manitobans on Senate Elections; and

That the committee meet at the following locations:

- *Flin Flon*
- *Norway House*
- *Dauphin*
- *Carman*
- *St. Laurent*
- *Steinbach*
- *Russell*
- *Winnipeg*
- *Brandon*

And that the Sub-Committee be authorized to amend the list of locations if necessary; and

That the sub-committee will hold the meetings in these locations, unless fewer than eight people have registered to present, in which case the Chair will have the discretion to determine if the meeting should proceed or if alternate arrangements should be made; and

That presentations be ten minutes, with a further five minutes for question and answer, with exceptions to be allowed by agreement of the sub-committee; and

That written submissions on Senate elections may be accepted by the sub-committee until March 1, 2009.

Your Committee agreed to the following motion at the March 27, 2009 meeting:

- *That the previously established Subcommittee on Senate Elections hold meetings in Flin Flon and Norway House to make up for previous weather related cancellations; and*

That these meetings take place on the afternoons of Saturday, April 25, and Saturday, May 2, in whichever order works best logistically, with the specific meeting times to be determined by the Chair and Vice-Chair; and

That the advertisements that were used for the previously scheduled meetings in Flin Flon and Norway House be used again with the details regarding date, time and location amended to reflect the new meeting arrangements; and

That, if necessary, the Chair and Vice-Chair be authorized to amend arrangements for these meetings; and

That written submissions on Senate elections may be accepted by the sub-committee until the consultation meetings are concluded.

Your Committee agreed to the following motion at the November 9, 2009 meeting, on division:

- *That this committee adopt the Report of the Special Committee on Senate Reform dated November 9, 2009, and provide the same to the Speaker of the Assembly.*

APPENDIX II

MEETINGS OF THE SUB-COMMITTEE ON SENATE ELECTIONS

Your Sub-Committee met on the following occasions:

- Monday, January 26, 2009 at 6:00 p.m. at the Mennonite Heritage Village in Steinbach, Manitoba
- Thursday, January 29, 2009 at 6:00 p.m. at the Carman Active Living Centre in Carman, Manitoba
- Monday, February 2, 2009 at 6:00 p.m. at the St. Laurent Recreation Centre in St. Laurent, Manitoba
- Tuesday, February 17, 2009 at 6:00 p.m. at the Keystone Centre in Brandon, Manitoba
- Wednesday, February 18, 2009 at 6:00 p.m. at the Credit Union Place in Dauphin, Manitoba
- Thursday, February 19, 2009 at 6:00 p.m. at the Russell Inn in Russell, Manitoba
- Saturday, February 21, 2009 at 1:00 p.m. in Room 255 of the Manitoba Legislative Building
- Saturday, April 25, 2009 at 2:00 p.m. at the Victoria Inn in Flin Flon, Manitoba
- Saturday, May 2, 2009 at 2:00 p.m. at the Veteran's Hall in Norway House, Manitoba

Matters under Consideration

- Consulting with Manitobans on Senate Elections

Committee Membership

Sub-Committee Membership for the Monday, January 26, 2009 meeting:

- Ms. BRAUN
- Mr. DEWAR
- Mr. JENNISSEN
- Mr. LAMOUREUX
- Mr. MARTINDALE
- Mr. PEDERSEN
- Mrs. ROWAT

Your Sub-Committee elected Ms. BRAUN as the Chairperson at the Monday, January 26, 2009 meeting.

Your Sub-Committee elected Mr. PEDERSEN as the Vice-Chairperson at the Monday, January 26, 2009 meeting.

Sub-Committee Membership for the Thursday, January 29, 2009 meeting:

- Mr. ALTEMEYER
- Ms. BRAUN (*Chairperson*)
- Mr. DEWAR
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Monday, February 2, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. LAMOUREUX
- Mr. MARTINDALE

- Mr. NEVAKSHONOFF
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Tuesday, February 17, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Wednesday, February 18, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Thursday, February 19, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. NEVAKSHONOFF
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Saturday, February 21, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. FAURSCHOU
- Ms. HOWARD
- Mr. LAMOUREUX
- Ms. MARCELINO
- Mr. MARTINDALE
- Mr. PEDERSEN (*Vice-Chairperson*)

Substitution received during Sub-Committee proceedings at the Saturday, February 21, 2009 meeting:

- Mr. EICHLER for Mr. FAURSCHOU

Sub-Committee Membership for the Saturday, April 25, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. DEWAR
- Mr. FAURSCHOU
- Mr. JENNISSEN
- Mr. LAMOUREUX

- Ms. MARCELINO
- Mr. PEDERSEN (*Vice-Chairperson*)

Sub-Committee Membership for the Saturday, May 2, 2009 meeting:

- Ms. BRAUN (*Chairperson*)
- Mr. EICHLER
- Mr. FAURSCHOU
- Mr. JENNISSEN
- Mr. NEVAKSHONOFF
- Mr. WHITEHEAD

Your Sub-Committee elected Mr. EICHLER as the Vice-Chairperson at the Saturday, May 2, 2009 meeting.

Public Presentations

Your Sub-Committee heard the following 51 presentations on Senate Elections:

Steinbach

- | | |
|--------------------|-----------------|
| 1) Louis Bernardin | Private Citizen |
| 2) Amos Wiebe | Private Citizen |

Carman

- | | |
|---------------|-----------------|
| 3) Dale Brown | Private Citizen |
|---------------|-----------------|

St. Laurent

- | | |
|---------------------|-----------------|
| 4) Hugh Sigurdson | Private Citizen |
| 5) David McLelland | Private Citizen |
| 6) Louis Allain | Private Citizen |
| 7) David McKinnon | Private Citizen |
| 8) Frieda Krpan | Private Citizen |
| 9) Michelle Forrest | Private Citizen |

Brandon

- | | |
|--------------------|-----------------|
| 10) Drew Ostash | Private Citizen |
| 11) Derryk Jackson | Private Citizen |
| 12) Jared Wesley | Private Citizen |

Dauphin

- | | |
|-------------------|-----------------|
| 13) Inky Mark, MP | Private Citizen |
| 14) Doug McPhee | Private Citizen |

Russell

- | | |
|----------------------|-----------------|
| 15) Eldon Montgomery | Private Citizen |
| 16) Bob Schmidt | Private Citizen |
| 17) David Coombs | Private Citizen |
| 18) Paul Orsak | Private Citizen |
| 19) Gene Nerbas | Private Citizen |
| 20) Murray Bradshaw | Private Citizen |
| 21) Bill Dayson | Private Citizen |

Winnipeg

22) Daniel Boucher	Société Franco-Manitobain
23) Senator Maria Chaput	Private Citizen
24) Senator Bert Brown	Private Citizen
25) Link Byfield	Alberta Senators in Waiting
26) Vaughan Baird	Private Citizen
27) Edward Mandrake	Private Citizen
28) Darlene Dziewit	Manitoba Federation of Labour
29) Nikki Ashton, M.P.	Private Citizen
30) Roy Yerex	Private Citizen
31) Anita Chubb-Kennedy	Private Citizen
32) Vincent Pouliot	Private Citizen
33) Frank Hechter	Private Citizen
34) Joshua Watt	Private Citizen
35) Jae Eadie	Private Citizen
36) Robert Parsons	Private Citizen
37) Senator Sharon Carstairs	Private Citizen
38) Al Mackling	Private Citizen
39) Dorothy Dobbie	Private Citizen
40) John K. Collins	Private Citizen
41) John Lamont	Private Citizen

Flin Flon

42) Barry Phillips	Private Citizen
43) Clarence Pettersen	Private Citizen
44) Tom Lindsey	Private Citizen
45) Dave Kennedy	Private Citizen
46) Mayor Tom Therien	Town of Flin Flon
47) Greg East	Private Citizen
48) Dan Reagan	Private Citizen
49) Gregg Whyte	Private Citizen
50) Mark Kolt	Private Citizen

Norway House

51) Councillor Nick Saunders	Norway House Cree Nation
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Written Submissions

Your Sub-Committee received the following 31 written submissions on Senate Elections:

- | | |
|-------------------------------|------------------------------|
| 1) Gary Orsulak | Private Citizen |
| 2) Richard Kunzelman | Private Citizen |
| 3) Carolyn Garlich | Private Citizen |
| 4) Kevin Miller | Private Citizen |
| 5) Professor Paul Thomas | Private Citizen |
| 6) Peter Chudobiak | Private Citizen |
| 7) Phillip Winkless | Private Citizen |
| 8) Daryl Lucyshen | Private Citizen |
| 9) Lee Delorme | Private Citizen |
| 10) J.G. Levesque | Private Citizen |
| 11) William Taylor | Private Citizen |
| 12) Kathleen Millier | Private Citizen |
| 13) Roy Yerex | Private Citizen |
| 14) Steve Stadnyk | Private Citizen |
| 15) Semeon Hrushovetz | Private Citizen |
| 16) C. Hugh Arklie | Private Citizen |
| 17) Jack P. Baturin | Private Citizen |
| 18) Deborah Avanthay | Private Citizen |
| 19) Senator Terry Stratton | Private Citizen |
| 20) Mark Rash | Private Citizen |
| 21) Ross Dobson | Private Citizen |
| 22) Robert H. Uchtmann | Private Citizen |
| 23) Jon Phillips | Private Citizen |
| 24) Chuck Davidson | Winnipeg Chamber of Commerce |
| 25) James T. Teller | Private Citizen |
| 26) Jack Boyko | Private Citizen |
| 27) Doran Sewell | Private Citizen |
| 28) Charles W. Morrison | Private Citizen |
| 29) B. Coombs | Women & Political Issues |
| 30) William & Joyce Alexander | Private Citizens |
| 31) Dean Grove | Private Citizen |