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THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE*—DEBATE

Speech by:

The Honourable Bev Busson

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Hon. Bev Busson: Honourable senators, I rise today in support of Senator Woo's Motion No. 12. He's a hard act to follow, but I'll do my best and soldier on.

In his speech, Senator Woo explained eloquently the thinking behind the proposed amendments to the *Rules of the Senate*. I would like to express my support for these changes, which, in essence, properly reflect the new reality in this chamber.

Members of deliberative bodies like our own have been faced with the need to adapt to changing circumstances since the agora of ancient Athens and throughout the evolution of British parliamentary procedure over centuries. The rules of procedure themselves are important for practical reasons — to allow the business of the chamber to proceed efficiently and to maintain decorum. However, they are important for more than that. They should reflect the spirit, culture, ideals and principles of the institution at every stage of its evolution. As always, there is a balancing act to be achieved when we need to balance predictability and adaptability.

Every endeavour has its code of rules, and international diplomacy relies on protocol to ensure there is a level playing field. In my previous life, first as a young police officer, I navigated the rules of conduct and procedure every single day in order to deal fairly with the public, as well as later with the members of the force under my command in my service. Those rules were and are evolving to reflect changing core principles, on one side, and expectations on the other.

An underlying fundamental principle of this institution we all serve in, honourable senators, is equality. In the Canadian constitutional framework, I am reminded of the decision of the Supreme Court of Canada when it was asked to consider the question of the secession of a province from our Confederation in 1998. The court identified five fundamental principles of the Canadian Constitution: federalism, democracy, constitutionalism, the rule of law and respect for minorities. In making this determination on the so-called Secession Reference, the former Chief Justice of Canada, the Right Honourable Beverley McLachlin, explained that the court went beyond the words of the written laws and rules themselves, and probed the foundations and origins of the laws that reflected Canada's principles and history. The justices spoke of "powerful normative forces" that underlie these identified principles.

I believe that such principles and such a normative force threads directly through the amendments to the Rules we are being asked to consider today in Senator Woo's Motion No. 12: the equality of Senate groups and thus a sense of fairness, fair treatment, and an equal voice for each and every member of this hallowed chamber.

One feels the awe of history in this place; however, the Senate of Canada has been changing throughout that history and continues to evolve, just like our Canadian Constitution, which has been described as a living tree. It is evolving towards a less overtly partisan body. This does not mean that all the passion of advancing and defending positions or issues has or will diminish, nor should it; rather, it recognizes that the structure of how members organize themselves is different now. The Rules must respect that new reality.

I find myself agreeing with the former Minister of State for Democratic Reform, the Honourable Pierre Poilievre. When he was asked, in an interview on October 21, 2014, by *Maclean's* magazine, the question: "Is there any way to determine when partisanship goes from being a functional part of our Parliament to a detriment to our Parliament?" Minister Poilievre replied: "I think it's a detriment if it detracts from good policy and/or the business of governing."

This is exactly what we are discussing today, fellow senators — the business of governing.

The days of Conservative and Liberal duopoly are gone. In this new landscape there are three formally recognized groups in the Senate: the Independent Senators Group, the Conservatives and the Canadian Senators Group. There may be other recognized groups in the future, so the Rules need to be amended to allocate time amongst the leaders or facilitators or equivalents.

In my opinion, the amendments proposed in Senator Woo's motion are relatively modest and, in essence, an administrative approach to align process to the factual reality that exists now in this chamber. I believe it is important to ensure that the rules of procedure that govern this place are fair to all and applied in an equitable way to facilitate our important future work.

[*Translation*]

Dear colleagues, I hope you will support this motion.

Thank you, *meegwetch*.