Julien Beaulieu

Explaining the Political Failure of the Senate Reform Bill

March 2014

The Canadian Study of Parliament Group (CSPG), as part of its efforts to foster knowledge and understanding of Canadian parliamentary institutions, is sponsoring the annual National Essay Competition. College and university undergraduate and graduate students in any discipline across Canada are invited to submit essays on any subject matter broadly related to Parliament, legislatures or legislators. The winning essays are made available free of charge, in both official languages, on the CSPG Web site. The views and opinions contained in these papers are those of the authors and are not necessarily reflective of those of the CSPG.

EXPLAINING THE POLITICAL FAILURE OF THE SENATE REFORM BILL

I. NOTE

This essay was written before the Supreme Court rendered its opinion on the federal government's reference. The essay's conclusion provides an update on the situation.

II. INTRODUCTION

Canadian governance is trapped behind a constitutional impasse. Quebec has not been a signatory to the Canadian Constitution since 1982. The problem has not been resolved because of the failures of previous constitutional negotiations, which involved Senate reform, among other issues. This constitutional impasse is blocking Senate reform. Many reform proposals have been advanced, including the Triple-E Senate (an effective, equal and elected Senate, the proposal supported by the current prime minister, Stephen Harper). They have all been unsuccessful because of that same obstacle.[1] In putting forward his Senate reform bill, a key part of his political agenda, Harper plans to legislate as far as he believes the Constitution allows. However, a number of constitutional experts are skeptical of his bill.

Taking a political science approach, we will conduct a constitutional analysis of Bill C-7, but we will also perform a political analysis from a good governance perspective. We

[1] SMITH, Jennifer. "Introduction." In SMITH, Jennifer (Ed.) *The Canadian Senate in Bicameral Perspective*. Toronto: University of Toronto Press, 2003, p. 1.

will adopt the analytical framework proposed by political scientist David E. Smith to analyze the appropriateness of this initiative. In addition to being ruled unconstitutional by the Court of Appeal of Quebec, we believe that the bill does not pass the test of Smith's analytical framework.[2]

We will first summarize the history of proposals to reform or abolish the Senate from before Confederation to the present. Then we will introduce the analytical framework, which we will subsequently use to carefully assess Bill C-7.

III. PROPOSALS FOR THE FUTURE OF THE SENATE: HISTORICAL OVERVIEW

- *Legislative review function*

For a time before Confederation, Canada had an elected upper house. Following the adoption of the principle of responsible government in 1848, the Assembly of the Province of Canada passed a law to have legislative councillors (members of the Legislative Council, the equivalent of today's Senate) elected in 1856. According to Michel Morin, the legislation provided that legislative councillors be elected using stricter qualifications than under the former system for appointment to the Legislative Council. The goal was to water down, in accordance with the interests of wealthy landowners, the bills adopted by the popularly elected members, who might legislate radical ideas.[3] These criteria were directly connected to the function of legislative review because the upper house could *improve* or reject the bills passed by the elected lower

[2] *Attorney General of Quebec v. Attorney General of Canada*, 2013 QCCA 1807.
[3] MORIN, 1994, pp. 37–38.

house.[4] The main problem, in John Pepall's view, was the increasingly partisan nature of this house, which tended to mimic the partisan behaviour of the members of the lower house.[5] However, it must be said that voters took a significant interest in the elected Legislative Council: voter participation was quite satisfactory. Moreover, the number of French-speaking members increased with the introduction of elections.[6]

This new upper house was not retained after Confederation. The traditional selection method was restored, but the qualifications for senators were kept, as set out in the Canadian Constitution.[7]

- *Regional and minority representation function*

The Senate also has an important federal function: it compensates for the greater representation of the provinces of Ontario and Quebec in the House of Commons owing to their large populations. In the experience of Senator Claudette Tardif, the Senate remains true to Canadian federalism through its representation of regional interests, including francophones outside Quebec. Senator Tardif pointed to the example of Senator Jean-Robert Gauthier, who fought against the closure of Ottawa's Montfort Hospital, which he believed would hurt Franco-Ontarians.[8] This factual example demonstrates that the institution has evolved. A study by Jean-Charles Bonenfant showed that the Senate was much different in its early years. Bonenfant made his point with the debate on the education reform law passed by the Legislative Assembly of New Brunswick in 1871.

---

[4] *AGQ* v. *AGC*, 2013 QCCA 1807, §9.
[5] PEPALL, John. *Against Reform*. Toronto: University of Toronto Press, 2010, p. 135.
[6] MORIN, 1994, p. 39.
[7] *Constitution Act 1867*, 30 & 31 Victoria, c. 3 (U.K.), ss. 23 and 24.
[8] TARDIF, (Hon.) Claudette, and TERRIEN, Chantal. "Senate Reform and Francophone Minorities." In *Canadian Parliamentary Review*, Spring 2009, p. 9.

This legislation abolished denominational schools, including Catholic schools, launching a direct assault on the Acadians' linguistic and cultural rights. Bonenfant criticized the fact that government senators and senators representing New Brunswick did nothing to prevent this attack on the Acadians.[9]

- *The Senate and constitutional negotiations*

Following Confederation, the Senate remained unchanged until 1965. That year, the government decided to require senators to retire at the age of 75, and a constitutional amendment was passed by Parliament alone.[10] Note that the advocates of Bill C-7 believe this amendment constitutes a legal precedent for the bill's constitutionality.

During the constitutional negotiations of the 1980s, under prime ministers Trudeau and Mulroney, a number of proposals were put forward. One was a "House of the Federation." This proposal was largely inspired by the German model, the Bundesrat, which serves "to provide a forum for Länder [members delegated by the Länder governments] participation in the legislation and administration of the Federation."[11] This proposal was quickly dismissed because it was clear that the Canadian and German federal systems were incompatible. The German model would have reduced the powers of the Canadian Senate (its absolute veto would have been replaced with a suspensive veto), and the provinces would have rejected a model that weakened their powers. Moreover, the proposal ran up against the constitutional impasse, as the unanimous

[9] BONENFANT, Jean-Charles. "La vocation manquée du Sénat canadien." In *Les Cahiers des Dix,* Montreal: Édition des dix, 1972, Vol. 37, p. 66.
[10] MALLORY, 1971, p. 227.
[11] JANDA, Richard. *Re-Balancing the Federation Through Senate Reform: Another Look at the Bundesrat*. York University Centre for Public Law and Public Policy, 1992, p. 7.

consent of the federal government and the provinces would have been necessary to make such a radical change to Canada's political system.[12]

Another idea for reform was to make the Senate elected. The primary supporters of this proposal were the Reform Party (and today, the Conservative Party) and organizations like the Canada West Foundation. In 1984, the Special Joint Committee on Senate Reform declared its support for this idea. The Committee's report described reforms that would have protected the parliamentary system based on ministerial responsibility, increased representation for Western Canada and introduced the absolute veto for language issues in order to protect linguistic minorities. However, its proposal would also have replaced the absolute veto with the suspensive veto for other issues.[13] In addition, it would have made senators' terms non-renewable. Again confronted with the constitutional impasse, the proposal was put on hold.[14]

In addition to reforms, some proposed abolishing the Senate. This idea, which had a certain popular appeal, was mainly advocated by the NDP. Its position was based on the experience of the provinces, which all abolished their legislative councils, and the undemocratic character of unelected legislators interfering with the work of elected ones. While the end goal is abolition,[15] in its latest election platform, the NDP pledged to ban

[12] JANDA, 1992, p. 29.
[13] In short, this equates to slowing down the legislative process.
[14] CANADA. Parliament. Special Joint Committee on Senate Reform. *Report of the Special Joint Committee of the Senate and of the House of Commons on Senate Reform.* Ottawa: The Committee, 1984, pp. 23–24 and 35.
[15] The NDP has not set out an explicit timeline for abolishing the Senate.

the prime minister's partisan appointment practices and party fundraising by senators in the meantime.[16] Given the constitutional impasse, abolition seems unthinkable.[17]

IV. EXAMINATION OF BILL C-7

Since 2006, the Harper government has introduced a number of bills to reform the Senate and, more specifically, its composition. After the Conservatives won a majority government in 2011, the Minister of State for Democratic Reform, Tim Uppal, introduced Bill C-7, and it was read a first time on June 21, 2011.[18] The bill was studied at second reading during seven sittings.[19] However, the bill did not complete second reading, as it was referred to the Court of Appeal of Quebec by the Quebec government. In its opinion, the Court wrote that the bill was "an attempt to significantly amend the current method of selecting senators." The federal government was in fact required to negotiate with the provinces under section 42(1) of the *Constitution Act, 1982*.[20] The Court found that it was unconstitutional for Parliament to legislate unilaterally when it should instead obtain the support of a majority of provincial legislatures, in accordance with section 38(1) of the *Constitution Act, 1982*. Parliament did so "without having respected the applicable amending procedure … [and] in reality … attempted to

---

[16] NEW DEMOCRATIC PARTY OF CANADA. *Giving Your Family a Break: Practical First Steps*. Ottawa: New Democratic Party of Canada, 2011, p. 23.
[17] *AGQ* v. *AGC*, 2013 QCCA 1807, §24.
[18] The bill's title is "An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits."
[19] PARLIAMENT OF CANADA. LEGISInfo. *House Government Bill* (C-7). http://www.parl.gc.ca/LEGISInfo/BillDetails.aspx?Language=E&Mode=1&billId=5093616. Page consulted on April 1, 2014.
[20] *AGQ* v. *AGC*, 2013 QCCA 1807, §75.

circumvent that procedure."[21] After Bill C-7 was deemed unconstitutional, the issue was referred to the Supreme Court of Canada, which will rule on it soon.

- *Examination of the political principles of Bill C-7 using Smith's analytical framework*

As we explained above, many proposals for the future of the Senate have been made. They all failed to overcome the constitutional impasse, just like Bill C-7, because they all claimed to be able to reform or abolish the Senate without seeking the consent of the provinces, even though this is required by the Canadian Constitution. Politically, proposals like Bill C-7 were not very well thought out, as they addressed only the selection process for senators or provincial involvement in that process.[22] Regarding the reform proposals, political scientist Jack Stilborn asserted that their advocates were unable "to translate a vision of needs that require Senate reform into a more specific set of roles that can provide a basis for the design of the institution."[23] The failure of these reforms resulted in a continued lack of oversight of the executive. One of the consequences is the ongoing partisan appointment of senators that causes Canadians to be so dissatisfied with the Senate.

In searching for ways to reform the Senate that respect the current constitutional framework, Smith identified eight principles that he deemed indispensable to all successful reforms. This declaration of principles is summarized in Table I below. We will explain these principles and then use them to analyze Bill C-7.

---

[21] *AGQ* v. *AGC*, 2013 QCCA 1807, §85.
[22] SMITH, David E. "The Improvement of the Senate by Nonconstitutional Means." In JOYAL, Serge (Ed.). *Protecting Canadian Democracy: The Senate You Never Knew.* Montreal: McGill-Queen's University Press, 2003, p. 233.
[23] SMITH, David E. 2003, p. 230.

Table I—Declaration of Principles for Senate Reform Proposals Formulated by David E. Smith	
1. Improves the quality of governance	*2.* Takes the political system into account
3. Recognizes the links with the House of Commons	*4.* Respects the Senate's characteristics
5. Strengthens the Senate's distinct roles within Parliament	*6.* Ensures the Senate has sufficient powers
7. Ensures senators have the ability to carry out their duties	*8.* Increases public confidence in the institution
Source: David E. Smith, 2003, pp. 234–235.	

1) Improves the quality of governance

Improving the quality of governance must be the guiding principle of all reform proposals. Canada is a democracy that adheres to the rule of law and protects individual rights. For Smith, even an unelected Senate helps maintain the rule of law, as our political system consists of counterbalances that ensure Canadians have a stronger legislative branch to prevent executive branch abuses.[24] In Smith's view, that is the failing of the proposal to *abolish* the Senate: it does not acknowledge that Senate role. He argued that "the driving force behind abolition is not really the desire for improvement so much as frustration with the Senate as it currently exists."[25] Moreover, this solution runs headlong into the constitutional impasse, as it requires the unanimous support of the federal government and the provinces.

The Harper government's *reform* proposal cannot yet be judged against this fundamental principle because, according to Smith, the outcome depends on how the proposal measures up to the other principles. Therefore, we will reach a conclusion regarding this principle after an analysis involving the remaining principles.

[24] SMITH, David E., 2003, p. 234.
[25] SMITH, David E., 2003, p. 235.

2) Takes the political system into account

First, all Senate reform proposals must take into account the nature of the Canadian political system, which is a federal system based on shared jurisdiction.[26]

Bill C-7 proposes *consultative* Senate elections.[27] The emphasis on "consultative" is important, as Parliament is attempting to change the selection process despite the constitutional impasse in its way. The government claims that consultative elections are not genuine elections, but instead public consultations that will enable provincial governments to identify candidates supported by the public, who the prime minister would then *recommend* to the governor general.[28] These candidates would represent a provincial political party or remain independent.[29]

This bill affects the principle of shared jurisdiction, as Parliament is legislating that the provinces will hold these public *consultations*. This would be a constitutional problem because, according to case law, the federal government could be acting unconstitutionally by delegating its legislative powers to provincial governments (*Attorney General of Nova Scotia v. Attorney General of Canada* (1950), 4 D.L.R. 369).[30] The Government of Canada would argue that this is a delegation of administrative capacities, not legislative power, since the prime minister ultimately *recommends* senators irrespective of any public *consultation*. Reading between the lines, Bill C-7 would introduce a new convention bearing on the prime minister. He or she would be obliged to appoint the

[26] SMITH, David. E., 2003, p. 236.
[27] These are modelled on the Senate elections held in Alberta since 1989.
[28] According to the principle of responsible government, the prime minister appoints senators indirectly, since his or her recommendation is always followed by the governor general, who officially makes the appointments.
[29] BILL C-7, *An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits, 1st Session, 41st Parliament*, Canada, 2011. §1 and 2.
[30] SPANO, Sebastien. *Legislative Summary: Bill C-7.* Ottawa: Library of Parliament, June 27, 2011, p. 16.

names on a list even though no legislation required it. One could argue that the prime minister would no longer be able to recommend the appointment. In that sense, the bill would derogate from the prime minister's constitutional obligations because Parliament would have acted unilaterally to amend the Constitution to implement this provision of the bill. However, former liberal prime minister Jean Chrétien showed the limits of the possibility of such a new constitutional convention emerging as he did not *recommend* the *elected candidates-in-waiting* (from the Reform Party) for Alberta Senate seats.[31] De facto, then, it could be said that the prime minister would no longer have the ability to recommend Senate appointments. In that sense, the bill would derogate from the prime minister's constitutional obligations because Parliament would have acted unilaterally to amend the Constitution to implement this provision of the bill.

To sum up, the bill violates this principle because it tells the provinces to do the work of the federal government and therefore does not respect the Canadian federal system.

3) Recognizes the links with the House of Commons

For any reform proposal to succeed, it must take into account the complementary relationship between the Senate and the House of Commons. It is important to keep in mind that the Canadian political system respects the Westminster parliamentary tradition that recognizes the supremacy of the lower house. Smith rightfully noted that Senate reform cannot be accomplished without changes to the House of Commons, as these two institutions are inextricably linked.[32]

[31] PEPALL, 2010, p. 144.
[32] SMITH, DAVID E., 2003, pp. 236–237.

The Canadian Bar Association analyzed Bill C-7 and found that providing for the election of senators would obviously affect the House of Commons. With elected members, the Senate would begin to act as a second house equally legitimate in its representation of the electorate but "not necessarily regional interests or the interests of minorities within those regions."[33] The two houses would compete, as the Senate would no longer hesitate to oppose a bill from the democratically elected lower house once it was elected as well.

In analyzing the Australian senate, political scientist Réjean Pelletier corroborated this hypothesis. He argued that the Australian model teaches us that an elected senate in our British-style parliamentary system tends to breed virtually the same partisan behaviours and party discipline seen in the lower house.[34]

Like Smith, we believe that this bill poses a problem because it undermines the complementary nature of the Senate's work. We are convinced, based on the Australian example, that electing senators strengthens partisanship, as the Senate would become another House of Commons. Worse still, an elected Senate would, in Smith's view, challenge "the central principle of the Canadian Constitution, which is government's responsibility to the elected representatives of the people in the House of Commons."[35]

4) Respects the Senate's characteristics

[33] NATIONAL CONSTITUTIONAL AND HUMAN RIGHTS LAW SECTION, Canadian Bar Association, *Bill C-7 – Senate Reform Act.* Ottawa: Canadian Bar Association, January 2012, p. 6.
[34] PELLETIER, Réjean. "Du modèle australien au modèle canadien." In *Les Cahiers de droit*, Vol. 26, No. 1, 1985, p. 117.
[35] SMITH, David E., 2003, p. 247.

For Smith, "all reform proposals must respect the fundamental features and essential characteristics of the Senate: independence, continuity, long-term perspective, professional/life experience, and sectional/minority representation."[36]

Take the example of regional and minority representation. As Senator Tardif pointed out, Bill C-7 does not address the representation of minorities (such as francophones outside Quebec).[37] As a result, a fundamental attribute of the Senate—regional and minority representation—would be weakened. Generally speaking, federal states are not represented in an elected senate like the Australian one because party loyalty proves stronger than regional ties.[38] According to Senator Tardif, the Senate currently compensates for the underrepresentation of francophones outside Quebec and other minority groups, such as women and Aboriginal people. In 2007, francophones outside Quebec accounted for 9.1% of senators but just 4.3% of MPs. In this regard, we can say that Bill C-7 threatens the Senate's characteristics.[39]

5) Strengthens the Senate's distinct roles within Parliament

All reform plans must take into account the Senate's distinct roles. These roles are, first, reviewing legislation introduced and passed by the House of Commons and, second, representing the regions and minorities, as senators have ties to a province, not just a single riding.[40]

[36] SMITH, David E., 2003, p. 234.
[37] TARDIF and TERRIEN, 2009, p. 10.
[38] SMITH, David E., 2003, p. 249.
[39] TARDIF and TERRIEN, 2009, p. 8.
[40] SMITH, David E., 2003, pp. 240–242.

Bill C-7 contains no provisions to directly change the Senate's roles. However, changing the parliamentary dynamic at the Senate by creating competition between the two houses of Parliament would indirectly cause very real, noticeable and harmful changes. Having elected senators would hurt the quality of their legislative review work, as this work would be tied to greater electoral and partisan imperatives while regional representation would be dropped in favour of a needless duplication of the popular representation provided by the House of Commons. The bill therefore would not strengthen the Senate's roles in accordance with Smith's fifth principle.

6) Ensures the Senate has sufficient powers

All Senate reform proposals must respect the idea of the authors of the Constitution that the House of Commons must not act to weaken the Senate's powers. These powers relate to the operation of Parliament and enable the Senate to perform its functions.[41] In our view, all proposals should focus on this point, as changes are easy to make, constitutional and significant. Bill C-7 adheres to the sixth principle, as it preserves the Senate's current powers, including the absolute veto.

7) Ensures senators have the ability to carry out their duties

All reform proposals must ensure that senators, no matter how they are selected, retain their independence and the ability to carry out their duties.[42]

Like Smith, we believe this proposal fails to preserve the legislative review function. According to legal scholar Charles-Emmanuel Côté, limited and non-renewable terms for

[41] SMITH, David E., 2003, p. 244.
[42] SMITH, David E., 2003, p. 245.

senators would reduce their independence, as they would be distracted by partisan imperatives.[43]

8) Increases public confidence in the institution

All reform plans must address the crisis of public confidence in the Senate.

The preamble to Bill C-7 refers to the need for the Senate to be aligned "with the principles of a modern democracy and the expectations of Canadians."[44] In the short run, we might say that public confidence in the institution would be strengthened. An elected Senate would certainly have democratic credibility. However, in the long run, we do not believe that electing senators would have a definite lasting impact. Senators would not have to face the public a second time because their terms would be non-renewable. Furthermore, an elected Senate would produce the same partisan behaviours seen in the House of Commons that Canadians dislike. We doubt that the bill would create long-term legitimacy for the Senate.

➢ *The fundamental principle, reprised*

Table II—Summary of the Examination of Bill C-7		
#2	*NO*	Conflicts with the federal political system
#3	*NO*	Undermines the complementary nature of the Senate's work
#4	*NO*	Threatens the Senate's characteristics
#5	*NO*	Creates competition between the houses, regional representation

[43] CÔTÉ, Charles-Emmanuel. "Modifier la Constitution du Canada sans la modifier? Les limites de la compétence unilatérale fédérale sur le Sénat." In *Revue québécoise de droit constitutionnel,* 2013, Vol. 5, p. 105.
[44] BILL C-7, 2011, Preamble.

#6	*YES*	Does not change the Senate's powers
#7	*NO*	Affects the ability of senators to carry out their duties
#8	*YES*	In the short run only
#1	***NO***	**In sum, Bill C-7 does not improve governance.**

We believe that Bill C-7 violates the fundamental principle of improving governance. According to Smith, an elected Senate creates more problems than it solves. Above all, it does not help end the partisan excesses that are the basis for many criticisms of the Senate—criticisms that the bill was supposed to silence.[45] Note that it was the House of Commons that studied Bill C-7, without the involvement of senators. All in all, Bill C-7 fails the test from both a political perspective and a legal and constitutional perspective.

V. CONCLUSION: AN UPDATE

Events in Canadian politics have affected this essay. Our interest in studying the Senate was sparked not only by the improper activities of Conservative senators Patrick Brazeau, Mike Duffy and Pamela Wallin, but also by Justin Trudeau's surprising decision to expel Liberal senators from his parliamentary caucus. Our work ended with the unanimous decision of the Supreme Court, which reached exactly the same conclusions as the Court of Appeal of Quebec. The Supreme Court ruled that a number of unilateral federal government actions set out in Bill C-7 are unconstitutional, including the term limits and the provincial *consultative* elections. At the same time, the Supreme Court sent a message to all the abolitionists, including the NDP: abolition requires the unanimous consent of

[45] SMITH, David E., 2003, p. 250.

the provincial legislatures and Parliament.[46] Some MPs see a referendum as the most appropriate way of forcing the federal government and the provinces to agree to a solution for the Senate, which is moving closer and closer to abolition. It would have been worthwhile to ask the Supreme Court about this issue.

Using an objective and relevant analytical framework, we concluded that this bill is neither constitutionally nor politically acceptable, as were many previous proposals that were blindly made, without any genuine analysis of the institution or its problems.[47]

Nevertheless, the public is right to expect improvements to the Senate. These can be made in ways that are limited by the constitutional impasse but nonetheless possible and by changing practices through an ethics code or more stringent attendance policies.[48]

[46] SUPREME COURT OF CANADA. *Reference re Senate Reform*, 2014 SCC 32, §111 and 112.
[47] SMITH, David E., 2003, p. 266.
[48] SMITH, David E., 2003, p. 264.

Bibliography

Attorney General of Quebec v. Attorney General of Canada, (2013) QCCA, 1807.

BILL C-7, *An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits*, 1st Session, 41st Parliament, Canada, 2011.

BONENFANT, Jean-Charles. "La vocation manquée du Sénat canadien." In *Les Cahiers des Dix*, Montreal: Édition des dix, 1972, Vol. 37, pp. 53–86.

CANADA. Parliament. Special Joint Committee on Senate Reform. *Report of the Special Joint Committee of the Senate and of the House of Commons on Senate Reform*. Ottawa: The Committee, 1984, 61 pages.

CONSTITUTION ACT, 1867, 30 & 31 Victoria, c. 3 (U.K.).

CÔTÉ, Charles-Emmanuel. "Modifier la Constitution du Canada sans la modifier? Les limites de la compétence unilatérale fédérale sur le Sénat." In *Revue québécoise de droit constitutionnel*, 2013, Vol. 5, pp. 83–106.

JANDA, Richard. *Re-Balancing the Federation Through Senate Reform: Another Look at the Bundesrat*. North York, Ontario: York University Centre for Public Law and Public Policy, 1992, 86 pages.

MALLORY, James Russell. *The Structure of Canadian Government*. Toronto: Gage, 1971, 422 pages.

MORIN, Michel. "L'élection des membres de la Chambre haute du Canada-Uni, 1856-1867." In *Les Cahiers de Droit*, Vol. 35, No. 1, 1994, pp. 23–50.

NATIONAL CONSTITUTIONAL AND HUMAN RIGHTS SECTION, Canadian Bar Association, *Bill C-7 – Senate Reform Act.* Ottawa: Canadian Bar Association, January 2012, 15 pages.

NEW DEMOCRATIC PARTY OF CANADA. *Giving Your Family a Break: Practical First Steps*. Ottawa: New Democratic Party of Canada, 2011, 23 pages.

PELLETIER, Réjean. "Du modèle australien au modèle canadien." In *Les Cahiers de droit*, Vol. 26, No. 1, 1985, pp. 111–124.

PEPALL, John. *Against Reform*. Toronto: University of Toronto Press, 2010, 176 pages.

SMITH, David E. "The Improvement of the Senate by Nonconstitutional Means." In JOYAL, Serge (Ed.). *Protecting Canadian Democracy: The Senate You Never Knew*. Montreal: McGill-Queen's University Press, 2003, 371 pages.

SMITH, Jennifer (Ed.) *The Democratic Dilemma: Reforming the Canadian Senate*. Montreal: McGill-Queen's University Press, 2009, 191 pages.

SPANO, Sebastian. *Legislative Summary: Bill C-7: An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits*. Ottawa: Library of Parliament, June 27, 2011, 30 pages.

SUPREME COURT OF CANADA. *Reference re Senate Reform*, 2014 SCC 32.

TARDIF, (Hon). Claudette, and TERRIEN, Chantal. "Senate Reform and Francophone Minorities." In *Canadian Parliamentary Review*, Spring 2009, pp. 6–12.