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Conservative senators revolt over plans for Senate reform

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OTTAWA - Stephen Harper is facing a revolt among his own appointees to the Senate over his plans to reform the upper chamber.

There is so much resistance that Sen. Bert Brown has written to his colleagues urging them to show loyalty to the prime minister who appointed them.

Brown's letter was prompted by a meeting Tuesday between Conservative senators and Tim Uppal, the minister responsible for democratic reform.

Brown says Uppal "was showered with complaints" when he briefed senators about legislation that would encourage provinces to hold elections for Senate nominees and impose a term limit of nine years, one year longer than originally proposed.

The government is expected to introduce the reforms — for the fourth time — next week.

A source who encountered some Conservative senators emerging from the meeting said they were "livid," grouching that the government has made little attempt to mollify their concerns about previous incarnations of the reforms.

In his letter, Brown reminds his colleagues that 38 of them were appointed by Harper after specifically promising to support the prime minister's Senate reform agenda.

Referring to those appointed earlier by Brian Mulroney, Brown says they'd be a "very small group struggling to do anything" if it weren't for the additional Harper appointments that have given the Tories a solid majority in the Senate, with 55 senators to the Liberals' 45.

He concludes that all Tory senators owe their loyalty to Harper.

"Every senator in this caucus needs to decide where their loyalty should be and must be," writes Brown, a longtime champion of Senate reform who was appointed after winning a senatorial election in Alberta.

"The answer is simple: Our loyalty is to the man who brought us here, the man who has wanted Senate reform since he entered politics, the Rt. Hon. Stephen Harper."

Liberal Leader Bob Rae said Brown's letter shows "a caucus in complete disarray" over Senate reform proposals that are likely unconstitutional in any event. He said Harper should ask the Supreme Court to clarify the legal questions and, until then, quit wasting everyone's time.

"It's an absolutely absurd proposal and it won't work. I don't think it's going to go anywhere. It's actually wasting our time."

A number of Harper's appointees have spoken out against the prime minister's Senate reform agenda in the past, including senators Pierre Boisvenu, Michael MacDonald and Edward Neufeld. Pierre Claude Nolin, a Mulroney appointee, has also publicly slammed the proposals.

Boisvenu — who last year suggested a Senate made up of half elected members and half appointed members would be preferable — said Wednesday he fully supports Harper's agenda. Nevertheless, he wasn't sure it has enough support among his Senate colleagues to pass.

"I don't know. I don't have any guess on that. I hope it will pass," he said in an interview.

Among other things, the Tories' in-house critics have complained that an eight-year term limit — as originally proposed — would allow a two-term majority prime minister to appoint every member of the 105-seat chamber. A number of senators have lobbied for a longer term of 12 to 15 years.

Some have also expressed concern that the term limit would apply to senators who've been appointed by Harper (with the clock starting to tick only once the bill is passed) while all other senators, including all 45 Liberals, would continue to serve until age 75.

Tory senators have also complained that electing senators would turn the chamber into a replica of the ultra-partisan House of Commons, potentially resulting in legislative gridlock between the two houses of Parliament and diminishing the Senate's relatively independent role as the chamber of sober second thought.

They've also expressed concern that the government's intention of unilaterally reforming the Senate may be unconstitutional, as a number of provinces maintain.

Quebec is leading the charge against the reforms, arguing that the Senate can only be changed through a constitutional amendment approved by at least seven provinces. Quebec has vowed to challenge the reforms in court if the federal government persists in acting on its own.

The Harper government has steadfastly refused to ask the Supreme Court whether it has the power to proceed unilaterally and has rejected most of the other criticisms. In the only nod to critics within its own ranks, the government has extended the term limit to nine years.

Sen. James Cowan, the Liberals' Senate leader, said the government was supposed to table the term limit bill in the Senate on Tuesday. After the Tory senators' dust-up with Uppal, the bill was delayed until Wednesday but never materialized.

Now, Cowan said it appears the term limit and Senate elections bills are going to be rolled into one and introduced next week in the House of Commons. The Tories may be hoping their senators will be less inclined to defy Harper once the reforms are approved by the elected chamber.

Cowan said he suspects some of Harper's appointees have discovered the Senate is more effective and useful than they'd initially thought. And he lauded those who are not simply falling in line with Harper's Senate reform agenda.

"One of the roles of the Senate is to be independent. Maybe they're seeing that," he said.

"If you have a Senate which does nothing more than slavishly follow the will of the House of Commons, then it begins to

lose some of its purpose."

A spokeswoman for Uppal refused to comment directly on the rebellion among Tory senators. But Kate Davis suggested the government won't be deterred by in-house criticism.

"Our government has received a strong mandate to reform the Senate and implement our plan to make the Senate more accountable," she said, adding that Senate reform remains a top priority.

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