

Published | Publi : 2022-11-02
Received | Re u: 2022-11-02 00:16 (EST)



Hill Times

'Second-class **Senators**': McCallum pushing to empower non-affiliated **Senators**

Manitoba **Senator Marilou McPhedran** says she knew, 'theoretically,' the difference being non-affiliated would make when she left the **Independent Senators Group** last year, but 'living it is very different.'

Laura Ryckewaert

Non-affiliated Manitoba **Senator Mary Jane McCallum** is pushing for the Red Chamber to reconsider its rules and processes to enable unaffiliated **Senators** to participate more fully and equally in **Senate** business, without relying on the goodwill of recognized groups for speaking time or a seat on committees.

"Despite being a modern **Senate** that supposedly values and champions independence, the **Senators** who brave being truly independent are treated as second-class **Senators**," said McCallum.

"When I came in, people were talking about the move towards modernizing the **Senate** and moving it away from the status quo, so that more diverse people would be able to join, so it would be more inclusive of the population groups of **Canada**," she told *The Hill Times* in an Oct. 28 interview. "If we're going to modernize it, we're going to have to look at the process that instituted privilege to just a certain group of people" within a historically white, patriarchal system, which "continues to challenge equity, to challenge inclusivity, to challenge a change."

"There is new language, but it is reinstating the same old [system]," said McCallum. "[The recognized groups] behave like a caucus, they think like a caucus, and they don't challenge that."

In the midst of the **Senate** expense scandal and with a view to making the **Senate** more independent and non-partisan, then-third party **Liberal** leader **Justin Trudeau** (Papineau, Que.) got the ball rolling on **Senate** reform in 2014 when he dropped **Liberal Senators** from the party's national caucus. Since the **Trudeau Liberals** formed government in 2015, all **Senators** appointed to the Upper Chamber have been appointed as non-affiliated **Senators**.

The **Conservatives**, however, have maintained their **Senate** caucus, which is currently the official opposition in the Chamber and the second-largest group with 15 **Senators**. In 2016, the **Independent Senators Group** (ISG) formed; today, it's the largest recognized group in the Red Chamber with 39 members. At first, dropped **Liberal Senators** sat as independent **Senate Liberals**, but in 2019, the remaining **Liberal**-appointed **Senators** banded together to create the Progressive **Senate** Group (PSG), which is currently the third-largest group with 14 members. The **Canadian Senators Group** (CSG) formed the same year and is now the fourth-largest group with 11 members.

Instead of a **leader of the government in the Senate**, there's now a government representative. The three members of the [Government Representative Office](#) (GRO) technically sit as non-affiliated **Senators** but play a unique role, with the GRO responsible for shepherding government **legislation** through the Upper Chamber. That comes with certain powers and privileges, including allocated time during Question Period and unlimited time for debate on **bills** (whereas leaders of recognized groups and the sponsor and critic of **bills** get 45 minutes, and all other **Senators** no more than 15 minutes).

Minus members of the GRO and the **Speaker of the Senate**, who's also considered a non-affiliated **Senator**, there are currently six fully unaffiliated **Senators**: McCallum, who was appointed to the Chamber in December 2017 and sat with the ISG from 2018 until this past March; Manitoba **Senator Marilou McPhedran**, who was appointed in 2016 and sat with the ISG until [her resignation from the group](#) in October 2021; Quebec **Senator Patrick Brazeau**, who was appointed in 2009 and expelled from the **Conservative** caucus in 2013; Ontario **Senator Ian Shugart** and Manitoba **Senator Gigi Osler**, who were both appointed in September; and British Columbia **Senator Larry Campbell**, who was appointed as a **Liberal** in 2005 and sat with the ISG from 2016 to 2019 and the CSG from 2019 until Oct. 24.

The rules of the **Senate** have slowly begun to catch up.

In 2017, the definition of a caucus was **amended** to put recognized **parliamentary** groups (those with at least nine members)

on equal footing as recognized political parties in the **Senate**. The **Senate** Rules, Procedure, and the Rights of **Parliament** is also [currently studying a motion](#) from CSG Leader **Scott Tannas** (Alberta) to further **amend** the rules to reflect the new multi-group makeup of the Red Chamber.

But, so far, there's been no reconsideration of the rights and privileges of non-affiliated **Senators**.

After not being included in **Senate** group leadership discussions on [whether to renew hybrid proceedings](#), the then-three non-affiliated **Senators**-McCallum, McPhedran, and Brazeau-signed joint letters to **Senate** leaders in September, raising concerns both about inclusion in hybrid discussions and about the rights of non-affiliated **Senators** generally.

On [Oct. 18](#), McCallum rose in the Chamber to spotlight her concerns over the **parliamentary** privilege of non-affiliated **Senators**. "By not being able to equitably participate in **Senate** proceedings and decision-making processes, as well as being unable to participate equitably in meaningfully holding the government to account via ministerial Question Period, the untenable situation non-affiliated **Senators** are confronted with has come to represent a serious infringement on our collective privilege," she said.

As McCallum highlighted in her speech, non-affiliated **Senators** do not have a seat at the table for group leader meetings (where informal decisions, like whether to bring forward a motion to renew hybrid proceedings, are hashed out). They also don't have a seat at daily scroll meetings to set the agenda of the day (like which **bills** or motions to bring forward).

Officials from the **Senate** Chamber Operations and Procedure Office act as a voice for non-affiliated **Senators** during these meetings and prepare notes on the discussion which are shared with non-affiliated **Senators**, but McCallum's office said these don't include as much detail as the notes disseminated by the ISG (her former group) did, and while administration reps "convey" non-affiliated **Senators'** "speaking intentions at scroll meetings," McCallum, in her Oct. 18 speech, argued that non-affiliated **Senators'** items aren't as "forcefully spoken for as is done by each group or caucus' scroll representative."

Non-affiliated **Senators** are not allocated time during **Senators'** Statements or during ministerial Question Period, requiring recognized groups or caucuses to agree to share their time for them to make a statement or ask a question. Non-affiliated **Senators** are also not automatically given seats on committees. Brazeau, McCallum, and McPhedran are all currently members of committees because other **Senate** groups have shared one of their allocated seats. [Senate rules](#) set out that no **Senator** can be excluded from any main **committee** meeting, whether in public or in camera, meaning non-affiliated **Senators** can attend and take part, though they cannot vote. This does not extend to subcommittees or steering committees.

"There is a serious stigma around being an unaffiliated **Senator**, it almost seems like it's a transient place before you join another group," said McCallum, arguing that **Senators** shouldn't feel compelled-as she feels they currently are-to join groups to have their **bills** or motions receive equitable consideration.

As an Indigenous woman, McCallum said she feels she's been "marginalized yet again" as a non-affiliated **Senator**. "There is a shame in that, you're not even given the respect and you're not even given ... equality that other **Senators** have, in that we're hanging around at the margins trying to get tidbits of information from other **Senators**."

McCallum said she came into the **Senate** with a vision for modernization and initially worked to push for change from within the ISG, including challenging the caucus/group system of the **Senate**, but she said "there was no conversation."

"I don't need to be made subordinate again, as a woman and as an Indigenous person ... in the **Senate** because I harbour visions [of] change. And I don't need my voice to be silenced-I don't need my issues, what I bring forward, to be silenced and kept invisible because it's not the priority of the leaders or it's not the priority of the group," said McCallum.

McPhedran said she knew, "theoretically," the difference being non-affiliated would make when she left the ISG last year, but "living it is very different."

"It's demoralizing to lose one's voice," she said. "I knew about the loss of agency when I made the decision that I did, and I had been advised by a number of former **senators** about their experience in that position ... including one **senator** who served her entire term in non-affiliation, and she said to me that one has to work twice as hard precisely because one doesn't have information, first of all, that most other **Senators** get through their groupings, and because the opportunities to be heard are limited to speaking on a particular **bill** or hoping that you'll be recognized in Question Period, but all the other avenues are closed."

Speaking with *The Hill Times*, Tannas and PSG Leader **Jane Cordy** (Nova Scotia) both expressed sympathy for the concerns raised by non-affiliated **Senators**.

When it comes to scroll meetings, Cordy and Tannas pointed to the GRO, with Tannas noting that "historically," the government

leader in the **Senate** "took it upon themselves" to act as a **liaison** for non-affiliated **Senators**.

"The purpose of scroll is organization of the **Senate** sittings, and so if it gets too cumbersome, and we let everybody can sit in on scroll, then the whole purpose of it being the organizational meeting I think might be lost," said Cordy.

While McCallum's office confirmed that previously, when there was a government leader in the **Senate** (the last one being **Conservative**), that engagement did happen with non-affiliated **Senators**, the office indicated the GRO has not done the same, and instead of being engaged proactively, they feel they have to go door to door asking for time in the Chamber.

"The unaffiliateds should look to the **government House leader** as being the person that is representing them at scroll, and that's one way we can solve that issue," said Tannas, adding he thinks efforts have been made to "raise the awareness of the folks in the government representative office that this is the historical responsibility."

In an emailed statement, the GRO said it "serves as a conduit between **Senators** and the government." As such, it shares information "on all government business to all **Senators**, and has an open-door policy for any **Senator**, whether affiliated or non-affiliated, with respect to sharing information."

"The GRO will continue to explore ways and opportunities for all **Senators**, including non-affiliated **Senators**, to be kept apprised of the Chamber's deliberations, particularly when it comes to government business," read the statement. "Non-affiliated **Senators** are welcome to engage directly with the GRO to indicate their intention to speak to government business, or to seek information on government business, as appropriate."

The GRO, Tannas, and Cordy noted that all **Senators** can be added to the agenda to take part in debate or other deliberations on the day of, without prior notice. Tannas and Cordy also noted that, while only **committee** members have voting powers, in their experience, **committee** work rarely comes to a vote.

As to the ability of non-affiliated **Senators** to take part in Question Period or **Senators'** Statements, both Tannas and Cordy noted that even the ability of **Senators** within groups to take part is limited.

With the proliferation of **Senate** groups, the time for **Senators'** Statements, for example, was extended from 15 minutes to 18, Cordy noted, but even then, she said "we have to always be doing a bit of juggling even within our own group" to allocate slots.

"We have 14 members in a group for three [slots] a week, which means that you don't get your turn very often," said Cordy. But if the group has an open slot, "we certainly don't mind giving it up and we have in the past given it to independent **Senators**, or if they didn't want it, to somebody else in another group."

Tannas, who similarly spoke to his group's efforts to accommodate non-affiliated **Senators**, expressed an openness to reviewing whether there's a more "fair method" by which time in the Chamber-for statements and questions-could be allocated, but questioned whether making all **Senators** entitled to the same amount of questions would in fact work out to more opportunities for non-affiliated **Senators** than they currently get through recognized groups sharing their time.

At the end of the day, he said, "undeniably there are some benefits for being part of a group that go with the obligations for being in a group."

Iryckewaert@hilltimes.com

The Hill Times

Url: <https://www.hilltimes.com/2022/11/02/second-class-senators-mccallum-pushing-to-empower-non-affiliated-senators/390698>