

RESEARCH ARTICLE/ÉTUDE ORIGINALE

What Do Senate Committees Tell Us About the Post-2016 Senate?

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Abstract

The rarely examined committees of the Senate of Canada offer interesting insights into the Senate as a whole, particularly following the 2016 reforms to the institution. While discussion of House of Commons committees often emphasizes them as separate and different from the larger chamber, Senate committees mirror the dynamics of the overall Senate; looking at them tells us a lot about the Senate itself. Through qualitative research and in-depth interviews about committees with senators, this article finds both contrast and continuity in the Senate and its committees.

Résumé

Les comités du Sénat du Canada, rarement examinés, offrent un aperçu intéressant de cette assemblée dans son ensemble, en particulier à la suite des réformes de l'institution en 2016. Alors que les discussions sur les comités de la Chambre des communes mettent souvent l'accent sur le fait qu'ils sont distincts et différents de la Chambre haute, les comités sénatoriaux reflètent la dynamique de l'ensemble du Sénat; leur examen nous en apprend beaucoup sur l'organe lui-même. Grâce à une recherche qualitative et à des entretiens approfondis avec des sénateurs, cet article constate à la fois des contrastes et une continuité au sein du Sénat et de ses comités.

Keywords: Parliament of Canada; Senate of Canada; legislative committees

Mots-clés: Parlement du Canada; Sénat du Canada; comités législatifs

The Senate has long been the oddest of Canada's governing institutions, with Senate reform a perennial debate (for example, Campbell, 1978; Joyal, 2003a; MacKay, 1963; Macfarlane, 2021; Smith, 2003; Smith, 2009). The 2016 introduction of an independent appointment system has transformed the chamber, with the vast majority of senators no longer claiming a traditional party affiliation. The Senate has thus moved from a topic of hypothetical reform to a new and still evolving experiment.

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The post-2016 Senate has sparked a renaissance of scholarship on the institution (for example, McCallion, 2022; Macfarlane, 2021; VandenBeukel, 2021). However, one area that has received little attention, either pre- or post-2016, is Senate committees. With the notable exception of Lawlor and Crandall (2013), Canadian Senate committees have received little study at all.

Senate committees mirror the Senate itself, and conversations about them, both before and after 2016, contrast sharply with those around House of Commons committees. Greater autonomy for House committees is among the most common types of proposals for parliamentary reform, and these proposals tend to frame committees as places distinctly different from the larger chamber. In contrast, the dynamics of Senate committees closely mirror the overall institution, and committees are often presented as exemplifying strengths of the Senate as a whole. Looking at Senate committees thus tells us a lot about the Senate itself.

This article investigates Senate committees, partly to fill a gap in this understudied area but ultimately to understand what they tell us about the post-2016 Senate as a whole, especially its liminal state as neither a traditionally partisan body nor a fully non-partisan one. Through in-depth qualitative interviews, the article finds both difference and continuity in the post-2016 Senate as embodied in its committees. We see a clear divide between traditionally partisan Conservative senators and the other organized Senate “groups.” But we also see how senators from all sides present committees as illustrative of the value of the upper chamber, a longstanding claim that predates 2016. Senators thus disagree on the concept of partisanship in the new Senate, yet they follow their predecessors in defending the role of the institution, and particularly the value of its committees. In the end, committees demonstrate and embody how the post-2016 Senate is both distinctly different from, and yet in other ways still very similar to, its predecessor.

Overview of the Senate and Senate Committees

The Senate is the upper house of the Canadian Parliament. Senators are appointed by the Governor-General on recommendation by the prime minister (with a small number elected over the years from Alberta and then recommended by supportive Conservative prime ministers). All legislation must pass both the House and Senate; however, while the Senate’s power is constitutionally equal, its appointed nature means it rarely defeats bills passed by the elected House. Until 2016, the vast majority of appointments were active members of the prime minister’s party, and Senate seats served as top patronage prizes for party service and loyalty. However, in 2016, Prime Minister Justin Trudeau introduced a new independent advisory commission to recommend Senate appointments. Even before coming to power, Trudeau had cut ties between his party and the Senate in 2014 by expelling Liberal senators from his caucus, though the expelled senators continued to sit as “Senate Liberals.” Due to a high number of vacancies left by his predecessor, Trudeau rapidly appointed senators under the new process, all without a traditional party affiliation.

The goals of Trudeau’s reforms were clearly stated as ending partisanship and patronage in the Senate. At the time of the 2014 expulsions in a statement titled “Ending Partisanship and Patronage in the Senate,” Trudeau said: “the Senate is

suffering from two central problems: partisanship and patronage” (Liberal Party of Canada, 2014). When the reforms were introduced in late 2015, Government House leader Dominic LeBlanc said: “We need to end the partisan nature of the Senate,” (Canada, 2015) and Peter Harder, appointed in 2016 to lead the government agenda in the Senate, said: “The government has two ambitious, but doable goals, to improve the Senate and its credibility: establish a merit-based appointment process independent of the Prime Minister’s unilateral control, and encourage greater independence and non-partisanship of the selected Senate appointees” (Senate *Debates*, 2016). This article will not formally assess the goal of ending patronage, though there is little doubt that Senate appointees since 2016 have far fewer formal ties to the prime minister’s party than their predecessors. The question of ending partisanship is more complex and is a key focus of this article.

The Conservative Party has never accepted the 2016 reforms, and Conservative senators continue to identify as the “Official Opposition” and act in traditionally partisan ways. Conservatives furthermore view the new crop of senators as still being quasi-partisan actors, ideologically in tune with the Liberal government that appointed them even if they lack explicit Liberal Party ties. (Indeed, a 2024 CBC investigation found that eight of the 12 most recently appointed senators were either past Liberal donors or had worked with federal or provincial Liberal parties (McKenna, 2024).) In turn, non-Conservative senators have organized themselves into three different “groups” that perform at least some functions analogous to political parties and hold similar powers. The largest is the Independent Senators Group, with 43 members as of July 2024, followed by the Canadian Senators Group (18), and the Progressive Senate Group, which evolved out of the former Senate Liberals (14). The Conservatives have 12 members. A further nine senators are not affiliated with any party or group, and there are nine vacancies at the time of writing. The Liberal government is represented in the Senate solely by the Government Representative Office (GRO), consisting of three of the above non-affiliated senators who are responsible for introducing and guiding government bills and generally speaking on behalf of the government; they nevertheless do not sit as Liberals or identify as a party or group (Canada, n.d.).

The 2016 reforms have created a very different Senate, in at least three ways. One is the fundamentally independent identity of most senators, who attribute their appointment and position to their own personal merits rather than traditional partisan service (notwithstanding the Conservative view). A second is the gender distribution of senators. Appointment of women has shot up under the new process, and currently, 56 per cent of senators identify as women, compared to only 30 per cent of MPs in the House. The third is the existence of four distinct entities, and a fifth in the GRO, where there were once only two, the Liberals and Conservatives, and yet only one acts and identifies as a traditional party.

In this article we will focus on this last difference, and how committees reflect the liminal current state of the Senate, neither fully partisan nor non-partisan. But in other ways, the Senate today is not wholly different from its predecessor. Senators have long displayed somewhat more independence from their parties than their House counterparts, and the Senate has always had a less overtly raucous or confrontational partisan culture compared to the Commons. Most of all,

senators both past and present venerate committees and particularly committee inquiries as exemplifying the value and purpose of the Senate as a whole.

Partisanship in the post-2016 Senate

As noted above, a key goal of the 2016 reforms was the reduction of “partisanship” in the Senate, broadly meaning, in Harder’s words above, “greater independence” among senators. Studies of legislative voting in the post-2016 Senate have indeed found a shift in behaviour, although this is open to interpretation. Both McCallion (2022) and VandenBeukel et al. (2021) find that senators in the post-2016 era are considerably more likely to amend bills, yet they ultimately defer to the House and government. McCallion writes “Newly appointed senators see their job as challenging the government by amending bills, but generally they defer to the elected government’s will when it comes time to vote at Third Reading” (2022: 596); VandenBeukel et al. observe that “neither the rate of pocket vetoes [that is, not proceeding with bills] nor defeats in the Senate are out of line with past practice” (2021: 844) and Macfarlane concluded in 2019 that “[a]lthough there are clear signs that a more independent Senate has made the legislative process more challenging and complex from the government’s perspective, it has not been unduly obstructionist” (2019: 34). Interestingly, VandenBeukel et al. even find that, in the 2015–2019 Parliament, members of the Independent Senators Group voted *more* in favour of Liberal government legislation than the Senate Liberals, who were once part of the federal Liberal caucus (2021: 840–1). (The Canadian Senators Group was only formed after the 2019 election and has been subjected to less formal study.)

There are two competing interpretations of this evidence. One, held by most new senators themselves, is that the new Senate sees itself as acting as a chamber of sober second thought that provides input but ultimately defers to the elected House, regardless of which party holds government. The second, held by most Conservatives, is that the new crop of senators are ideologically in tune with the current Liberal government and for that reason defer to its legislative agenda, but they may not show the same deference under a Conservative government. The full test of either proposition awaits a change in government to determine whether, in Malloy’s words, the Senate will continue to be “a dream team of noble and accomplished citizens” or a “ticking time bomb” (Malloy, 2023: 200). Regardless, the development of three separate “groups” demonstrates that even a “non-partisan” chamber may need quasi-party vehicles to organize itself; the Senate is an interesting natural experiment in this regard. For now, to better understand the present dynamics of the post-2016 Senate, especially the role of partisanship, this article offers a qualitative examination of how Senate committees work in the new era, with particular attention to the interplay between the four recognized parties/groups.

Committees

Like the House of Commons, the Senate has a system of standing committees organized by policy areas, though the names and portfolios are different. There are currently 18 Senate standing committees (compared to 28 in the House), some of

which have further subcommittees of their own; there are also two temporary and two permanent joint committees with members from both chambers. Committees are supported by Senate staff and Library of Parliament researchers. Senate standing committees generally have either 11 or 12 members, distributed among the four recognized parties/groups in the Senate proportional to their size, with spaces also for unaffiliated senators. Senators typically sit on two or even three committees, and assignments are largely self-determined, as discussed below. Like House committees, Senate committees have two broad functions: (1) the consideration of bills as part of the legislative process, and (2) inquiries that they either choose to initiate or that are assigned to them by the larger chamber. Inquiries can be further divided into reviews of government activity and more open-ended inquiries into policy issues. Both before and after 2016, Senate committees have generally been seen as less openly combative or confrontational than House committees; for example, questioning of witnesses is less rushed and exchanges between senators typically more genteel.

Senate committees have long been presented as exemplifying the strengths of the Senate as a whole. Serge Joyal, a senator himself, writes that “the committee work of the Senate is perhaps the best measure of the institution’s utility” (2003b: 285), and Paul G. Thomas notes that “When faced with criticism of the limited sittings of the full Chamber, senators are fond of referring to the much-vaunted role of Senate committees in conducting inquiries” (Thomas, 2003: 217). Indeed, scholars have often compared Senate committees favourably to House committees. David Smith (2003) writes that “[t]he authority of Canadian Senate committees rests in their superior (to the House of Commons) intellectual rigour and control” (125), and Thomas writes “it should not be assumed that Commons committees are more effective than Senate committees in holding governments to account; in fact, in recent years more independent scrutiny of government performance has probably been provided by Senate committees” (2003: 217). C.E.S. Franks states that “Senate committees...have a far better record than is generally appreciated” (Franks, 1987: 225), and Smith asserts “[t]he Senate already does excellent committee work” (2003: 173). Citing some of the above as examples, Joyal writes that “Observers and analysts of parliamentary committees have concluded that the level of insight, objectivity, and rigour of Senate committees often surpasses that of their counterparts in the House of Commons” (2003b: 285).

Yet the evidence base for these assertions was limited. The possibly excessive faith in Senate committees was called out by Lawlor and Crandall (2013). They write that:

...while scholarly opinion has unquestionably come down on the side of committees, actual analysis of the committee system has been relatively limited, and what research that does exist tends to focus on the quality and effectiveness of particular reports or special committees...rather than looking to the committee system itself as the focus of analysis. While a few testable theories regarding committees have been posited over the years, overall, the research considering Senate committees is limited and for the most part, quite dated. (550).

Lawlor and Crandall's own analysis focused primarily on the legislative activity of the Senate: the consideration and amendment of bills. They found limited patterns, particularly in whether the Senate more actively amended legislation under a majority government in the House, or when the Senate was controlled by a different party than in the House—both of which would suggest the Senate plays an active check on the excesses of the House. Overall, while noting theirs was not a conclusive study, they concluded there was “substantial variation in [Senate committee] activity” (565) that was not necessarily reflected in the general praise of committees.

However, Lawlor and Crandall spent less time analyzing the other type of Senate activity—inquiries and specifically policy studies, which is where praise of committees' value is most commonly found. For example, both Smith and Thomas compare Senate committees favourably to royal commissions (Smith 2003: 160; Thomas 2003: 219). Thus, while traditional praise typically extended to the first function of Senate committees that was investigated by Lawlor and Crandall—review of legislation—it is the second, the policy inquiry function of Senate committees, that was historically venerated, not only for its own sake but as exemplifying the strengths of the Senate as a whole. As we will see below, this veneration of committee inquiries continues in the post-2016 era.

There is a striking contrast in how Senate and House committees are discussed, making it all the more important that the former receive more systematic study. Discussions of Senate committees, both pre- and post-2016, do not suggest that they are, or should be, distinctly different entities from the larger chamber, especially with regard to partisanship. This is very different from discussion of House of Commons committees, where the eternal hope is that committees can serve as a refuge from traditional partisanship where backbench MPs can operate more freely and find more satisfying roles than in the House itself (Malloy, 1996). Greater autonomy for House committees is among the most common types of proposals for parliamentary reform (for example, Huo and Malloy, 2023). In contrast, Senate committees are seen as representative of the Senate and its strengths as a whole; almost an argument *against* reforming or changing them. In our view, committees thus give important insights into the dynamics of the Senate as a whole in the post-2016 era, especially as a chamber that is neither traditionally partisan nor fully non-partisan.

Research Methods

To investigate the dynamics of committees and what they can tell us about the Senate as a whole, the authors took a qualitative approach and interviewed six senators between February and May 2023: two Conservatives (Senators Salma Atallahjan and David M. Wells), two ISG members (Senators Lucie Moncion and Yuen Pau Woo), one CSG Senator (Senator Scott Tannas) and one PSG representative (Senator Wanda Thomas Bernard).¹

While the sample is small, it is fairly representative of the current chamber. Interviewees represented all four party/groups. Three senators (Atallahjan, Wells and Tannas) were appointed before 2016 as Conservatives by Prime Minister Stephen Harper (Tannas later left to join the CSG); the three others were appointed after 2016 by Justin Trudeau under the new process. Three senators

are men and three are women. Two senators hail from Ontario, one from Newfoundland and Labrador, one from Nova Scotia, one from Alberta, and one from British Columbia. (None are from Quebec, though Lucie Moncion is franco-Ontarian.) Selection of interviewees was based primarily on including members of all four recognized parties/groups.

Our choice to conduct a qualitative approach stems from a desire to not only understand the *output* of Senate committees, as explored in the more quantitative approach taken by Lawlor and Crandall (2013) and McCallion (2022), but to also understand the *culture* of Senate committees. We do not claim sweeping generalizations based on this small sample, but interviewing these senators provides a valuable window into not only how the committees themselves operate, but also how the vital actors within those committees feel about them. Despite its modest size, on-the-record interviews with this sample allow us to draw very clear observations about Senate committees in the post-2016 era, and how they reflect the dynamics of the larger chamber.

Summary of Findings

Our interviews yielded some consensus but also significant divergence in how senators viewed committees, especially between Conservatives and others, reflecting the unusual state of partisanship in the post-2016 chamber. In the following sections, we present senators' responses to several dimensions of Senate committees: their overall evaluation of committees, the role of partisanship, membership and selection and the two functions of legislative review and inquiries. Differing interpretations and conceptions of Senate dynamics among senators may not be new; what is distinctive is how differences are explained by the continuing partisan identity of one group, the Conservatives, versus the independent identity espoused by other senators (even if their independence is questioned by the Conservatives). And yet senators of all sides continue to identify committee work and particularly committee inquiries as a key strength of the Senate, like their predecessors. There are thus both important differences and ongoing continuity in how senators view committees and the Senate itself.

Overall evaluation of Senate committees

We found considerable consensus among senators, including Conservatives, in their satisfaction about the quality of Senate committee work, in line with similar attitudes reflected in previous research. This is a sharp contrast from the typical attitudes of MPs in the House, where committees are often seen as underperforming and not operating at their full potential. For senators across the board, Senate committees continue to be seen as a key exemplifier of the strengths of the Senate as a whole.

Senators pinpointed the high quality of witnesses, staff work and legislative output as significant reasons behind their satisfaction. Whether in the form of amendments, observations or reports, senators find their committee work to have a tangible effect on Canadian political discourse and decision making. Senators also contrasted Senate and House committees, again matching past arguments that the former are superior. Senator Wells noted that senators often attempt to take their time to weigh legislation, as compared to the more hectic schedule of

House committees, while Senator Tannas called House committee work “superficial” and “more partisan” than his committee experience in the Senate.

While members of the House of Commons must attend to constituency work, re-election prospects and their future careers in the party, senators embrace their institution’s identity as the place of sober second thought, regardless of external pressures. Senator Bernard, for instance, highlighted how Bill C-22 establishing the Canada Disability Benefit was subject to pressure by the government for speedy passage in the Senate without amendments, and yet committee members nevertheless took four months to review the bill and suggested six amendments. Senator Moncion too noted that the Senate’s consideration of Bill C-11 (widely known as the “online streaming act”) produced 12 amendments, against the government’s desired timeline, slowing passage of the Bill considerably. Senator Bernard argues that senators have more independence from the government and its wishes, compared to House committees, allowing them to push for amendments even if the government is impatient to advance certain pieces of legislation (Bernard). Senator Woo described the reduced partisanship and “posturing” in Senate committees as a key aspect of their success, and Senator Tannas reported that witnesses consider Senate committees more “respectful” in their attitudes toward witnesses. MP Nathaniel Erskine-Smith, also interviewed as part of a larger study of both chambers, concurred with this, saying that the quality of Senate committees compared to the “dysfunction” of the House can mean that MPs find that suggesting amendments to senators can be more fruitful than trying to introduce the amendments themselves in the House.

While mostly a one-sided view, this nevertheless demonstrates how senators see and present themselves and their institution. Senators see and frame their committee work—and their roles in general—very positively compared to the House. This is not a new perspective. But it remains strong in the post-2016 Senate and specifically around Senate committees, which are seen by senators of all sides as exemplifying the value the Senate brings to the democratic process. Significantly, we found little difference in these overall evaluations among senators, including Conservative senators. For example, Conservative Senator Wells says that senators generally find their committee work on legislation to produce a more collegial atmosphere than other areas of Senate work, while ISG Senator Woo described committees as the arena for “the greatest opportunity to make an impact on public policy.”

While our sample size is small, this consensus is a sharp contrast to the varying discontent and complaints in the House of Commons about the limitations and mixed performance of House committees, with government and opposition MPs typically blaming each other for shortcomings. Overall, we see significant continuity between the pre- and post-2016 Senate in senators’ self-evaluation of committees and across party/group lines. Senators widely continue to be proud of their committee work, contrasting it favourably with the House, and generally feel it is one of the Senate’s key strengths and contributions.

Partisanship

Where we see much sharper disagreement is over the role and presence of partisanship in Senate committees and thus the Senate itself. Gone are the days of a Senate

dominated by clearly delineated Liberal and Conservative partisans; only the Conservative caucus remains as a reminder of the Senate's traditional orientation, with the Government Representative Office leading the government's agenda but not cultivating a traditional partisan identity. And yet the Senate has not reached the stated goal of eliminating partisanship. Instead, there is what can be described as a quasi-partisan culture within the Senate and its committees, neither traditionally partisan nor fully non-partisan.

The Conservatives continue to see the Senate as a partisan chamber. Conservative senators perceive senators appointed by Liberal Prime Minister Justin Trudeau as Liberals, regardless of their labels, and as "obligated" to serve the prime minister who appointed them. Conservative David Wells said "Many people believe that the Senate is non-partisan. It's highly partisan...If you're appointed by a Liberal prime minister. That's the prime minister you serve." But other senators view their commitment to a non-partisan, deliberative Senate as sincere, and categorize the Conservatives as seeking to project their own clear partisanship onto them, in an attempt to stall meaningful restructuring of the Senate's traditional orientation.

On the other hand, understanding the precise orientation and distinctions between the three other groups is challenging, as they exhibit characteristics both consistent and inconsistent with traditional party caucuses. Tannas' CSG is a coalition of senators seeking to advocate for their different regional interests, leading to a policy of not co-ordinating votes between CSG senators; indeed, Tannas stated that the CSG only discusses "process" in internal meetings, not "policy." The ISG, somewhat ironically given its name, appears more co-ordinated, in part because of its large size. Certain ISG senators will be assigned specific bills to study in depth before presenting their conclusions back to the wider caucus. PSG senators also seek to work across group affiliations once on committees, without centralized guidance from group leadership, according to Senator Bernard, and ISG, CSG and PSG senators will often work to maintain "collaborative coalitions" on specific committees to co-ordinate amendments and legislative changes, according to Senator Moncion.

Even non-Conservative senators, however, note that Conservative partisanship is selectively applied depending on the work before a committee. On certain low-profile issues, especially policy inquiries, senators find collegiality far easier to attain consistently; however, on high-profile issues, committees can be held up by Conservatives who others see as using procedural tricks to slow, delay or amend controversial legislation. Senator Moncion highlighted one bill she felt was held up by Conservative gamesmanship, Bill C-13. Indeed, C-13, amending the Official Languages Act, began its pre-study in the Senate in June 2022 and was only passed by the Senate nearly one year later. While this long gestation period was matched by a similarly slow passage through the House of Commons, it is nevertheless notable for its significant length. Senator Wells, a Conservative, himself highlighted Bill C-69 on energy and environmental assessments as one which the Conservative Senate caucus sought to block; that bill endured the same drawn-out fate as Bill C-13, beginning its pre-study in June 2018 and only reaching passage in June 2019.

This behaviour, however, is not necessarily limited to the Conservative senators in the chamber, since other senators also seek to amend bills despite government

pressure to move faster. ISG senators such as Senator Moncion said that their purpose was not to reject government legislation but improve it, placing them in the position of passing that legislation consistently and on a timely basis, regardless of their personal feelings. And veteran Senator Tannas, appointed in 2013 as a Conservative but now leader of the Canadian Senators Group, reported a distinct lessening of government control over the Senate following the 2016 reforms, allowing for control over the agenda of the Senate to be given back to senators.

There is no easy resolution to the overall impasse between the Conservatives and others, as the two views of the Senate are fundamentally irreconcilable. However, when considering the day-to-day effect on committees, we see mixed patterns rather than a stark divide. Each party/group operates somewhat differently, with the ISG possibly more centrally organized than the CSG and the PSG, and the Conservatives the most traditionally partisan. But the distinctions are often blurred in practice.

The array of new groups has also shaken up the traditional leadership structure of committees. Traditionally, committees were guided by small steering subcommittees of Liberal and Conservative representatives. This historical consensus has been upended, with four parties now constituting the steering committees, making committees more representative but posing challenges for committee structures, processes and decision making. The current situation resembles House of Commons committees, which are similarly steered by the four recognized House parties. However, the more ambiguous status of the new Senate groupings has created a more fluid picture, different from the disciplined parties in the House. The expansion of Senate players has increased the number of senators on committees and poses greater challenges for allocating time appropriately during committee meetings, especially when questioning witnesses: the more senators who sit on a committee, the less time each individual senator has to question a witness, producing shorter exchanges more in line with the House than the normal expectation of a Senate committee hearing, according to Senator Ataullahjan. To conclude this section, the 2016 reforms have clearly not met their goal of eliminating partisanship in the Senate, in part because of a lack of Conservative assent. But the rise of the new “groups” suggests a continuing need for quasi-party structures to organize the work of the Senate as a legislative chamber, particularly committee work, in a process and natural experiment that is still evolving.

Selection and membership

In contrast to the above differing perspectives, looking at how senators are assigned to committees finds few differences between parties/groups and a generally high level of transparency and consensus. The contrast instead is with the House of Commons. In the House, MPs are assigned to committees by their party whips (though members generally have some input) and are commonly rotated and re-assigned on a regular basis. In the Senate, senators appear to have almost complete choice in their assignments and serve on a much longer basis, and the process of assigning senators to committees appears largely consistent among all four groups. In the ISG, senators will provide a list of their committee preferences, ranked from one to four. Each Senator will then get at least their first or second choice, while

their other committee assignments are often decided based upon need. Should too many ISG senators seek to serve on the same committee, the ISG has appointed an internal facilitator to mediate disputes, although this mechanism is rarely used. In the CSG, leaders attempt to give each senator their first choice and then communicate beyond that for other committee posts. This is categorized by CSG leader Senator Scott Tannas as a more “transparent” process. The PSG also has a similar process, with senators providing their top three committee preferences to leadership, with most senators having their experiences and interests aligned with their committee assignments. For the Conservatives, senators are similarly asked to provide their first three choices in ranked order, and then the deputy whip or leader’s office decides on placement from there—with seniority often playing a key role in their calculus. Despite the more controlled process, each Conservative senator is generally given their first choice of a committee assignment, similar to the other groups. Importantly, this appears to be a change since 2016; Senator Tannas, appointed as a Conservative in 2013, criticized the past selection process in the Conservative caucus, when it held the Senate majority, as “opaque.”

Committee placements are also more continuous than in the House, where MPs are regularly reassigned, especially following prorogation or elections. In contrast, senators can sit on the same committees for extended periods, and this continuity is widely considered by senators as one of the system’s main strengths. This predates 2016; for example, Senator Ataullahjan notes, she has served continuously on the Human Rights committee since her appointment in 2010, eventually rising to the position of Chair, and Senator Moncion observed that she has continuously sat on the Internal Economy, Budgets and Administration committee since her 2016 appointment, also rising to the position of Chair. Such long tenures are very rare in the House. This continuity allows for an increased corporate memory among senators on committees, allowing them to build the kind of seniority and familiarity with files and stakeholders that MPs rarely possess. There are three obvious explanations for this continuity: the permanent status of senators who do not face the possibility of electoral defeat; the lack of a larger career ladder for senators beyond committees, such as ministerial office; and finally, the negligible central control of committee assignments that allows senators to continue with their preferred placements.

Furthermore, the chairship of Senate committees is seen as a prestigious prize and career pinnacle. This again contrasts sharply with the House, where committee chairships are more likely to be seen as an apprenticeship to higher ministerial office. In the Senate, with the absence of a meaningful hierarchy (even in the Conservative caucus), committee chairships are widely viewed as much more of a prize in and of themselves, again contributing to greater continuity and corporate memory. Senators can dedicate themselves, as Senators Moncion and Ataullahjan did, to building up experience within a specific committee in order to eventually serve as Chair. Both senators emphasized that leadership within a Senate committee is highly consensus-based, with chairs holding votes to set agendas and take decisions on reports or witnesses and trying to incorporate as many perspectives as possible in their final choices. This appears to be a longstanding characteristic of the Senate rather than a product only of the 2016 reforms.

On the other hand, the lack of central direction and co-ordination from parties may lead to more lopsided representational distributions on Senate committees, a

challenge noted by senators themselves. This unevenness is particularly evident in gender distribution. As noted, 53 per cent of the Senate is currently women. But the gender distribution of committees varies enormously: 83 per cent of senators on the Social Affairs committee and 75 per cent of the Human Rights committee are women, while Foreign Affairs and National Security are only one-third women.² Racialized senators can also find themselves aggregated onto the same committees, given the common intersections of some of their interests, reducing diversity across committees, according to Senator Bernard. Whether this is due to a commonality of interest, as Senator Bernard suggested, or reflective of a broader societal perception of traditionally female and male policy domains, it is nevertheless a striking disparity and illustrative of a largely self-directed rather than centralized assignment process.

The same issues of lopsided representation also extend to regional balance on Senate committees. As of July 2024, all of the senators on the Indigenous Peoples committee originate from three regions: the West, North and the Atlantic provinces, with no Ontario or Quebec members, while the Official Languages committee contains only one member from Western Canada. This is again a product of self-selection, as evidenced by the preponderance of Atlantic senators on the Fisheries committee or Western senators on the Energy committee, reflecting the importance of regional industries, and a pattern often seen on House committees as well. Nevertheless, the lack of a central authority allocating committee seats can again contribute to regionally imbalanced committee memberships.

To conclude, both selection procedures and continuity of membership on Senate committees are strikingly different from the typically more rapid rotation in the House, and appear similar across all parties/groups. However, the preference-driven approach without central co-ordination may lead to lopsided distributions, such as the gender and regional patterns above.

Legislative review, oversight and studies

We saw earlier that the partisan dynamics of the Senate are mixed, with the Conservatives seeing it as a traditional partisan arena and the other three groups avoiding at least a traditional partisan style, yet still operating as distinct entities from each other. We now examine these dynamics more closely through a look at the two overall committee functions: review of legislation and inquiries.

Legislative review of bills is the first priority of committees; inquiries conducted by committees are set aside if a government bill is assigned to a specific Senate committee. However, despite the primacy of this function, there remains a certain ambivalence between senators toward the work done on legislative review by committees, ranging from dismissing it as a mostly unfulfilling if necessary partisan exercise to elevating it as an incredibly profound function of the Senate; a variance not necessarily driven by partisan labels.

While the new Senate is less integrated with the government than previous Senates, with no official government caucus, Senator Tannas said the government's "invisible hand" can still be felt most during the legislative review process. On certain bills that are a higher priority for the government, there can be significant pressure exerted on senators to pass the bill as quickly as possible, at least according to

Conservatives. This appears to occasionally produce a counter-reaction among Conservative senators, who respond by grinding certain bills to a halt as they pass through the legislative process, like the previously mentioned Bills C-13 and C-69. But resistance is not limited to Conservatives. The pressure for speedy passage can be resisted by others as well, with non-Conservative senators feeling emboldened to propose amendments regardless of the importance placed on the bill by the government, especially when they see a compelling reason to try and adjust a bill. We noted earlier that amendment activity has increased significantly in the post-2016 Senate (McCallion, 2022; VandenBeukel et al., 2021). Senators also said that they make their clarifications through more technical observations rather than amendments, and work behind the scenes to appeal to the government through informal channels. CSG Senator Tannas argued that substantive amendments on government legislation by senators are rare, with most amendments serving to clarify the government's intention rather than alter it. This is corroborated by the findings of McCallion (2022) on the increased rate of amendments in the Senate post-2016, while noting that the Senate remains largely deferential if the House and government push back.

This reticence to amend or reject bills in Senate committees is less so for non-government bills—either private members' bills (PMBs) from the House or “public bills,” as non-government bills are known in the Senate, neither of which can propose new government expenditures or taxes. In these cases, senators have far more freedom to propose substantive amendments and re-introduce or stall previous bills. Senators can also take a more active role in sponsoring or drafting non-government bills, with greater impetus to personally invest their time in pushing the bill through the legislative process. Similar more freewheeling dynamics are seen in the House of Commons for private members' business, and this is where the two chambers probably most resemble each other.

When we look at the other committee function of inquiries, two different stories emerge for inquiries into government activities versus policy inquiries. While scrutiny of government activity is arguably at the heart of parliamentary democracy with House committees, especially under minority governments, conducting investigations of government errors, inevitably along strictly partisan lines, the Senate has traditionally done less of this work. We found a striking lack of consensus among senators here, not necessarily along party lines, with some senators rejecting this type of scrutiny work as out of the scope of the Senate's mandate—sometimes quite vehemently.

But senators all embrace the other type: policy inquiries. This is where senators often derive the most satisfaction in line with their pre-2016 predecessors. Many senators note that the Senate is well-designed for short inquiries into relevant contemporary topics. Given the pre-existing structure of Senate committees and their ability to dive into studies in greater depth than the House of Commons, they can investigate contemporary issues outside of the “boiling pot” of partisanship relatively quickly, as Senator Wells put it. The Senate has also shown a willingness post-2016 to shake up its traditional structures and embrace more unorthodox committee structures, like the new Audit and Oversight committee. Whether a “spot study,” which reviews an issue quickly, or a more long-running study, which produces multiple recommendations and reports, Senate committee studies

are held in very high regard by senators, again across all party/group lines. When recalling their proudest achievements in the Senate, many senators pointed to the work they had done on Senate committee-led studies, and how the flexibility of policy inquiries allowed them to go into greater depth than other work. This is highly consistent with the longstanding literature cited above that venerates Senate committee policy inquiries above all other functions, to the point that senators may see this as the most important function and contribution of the Senate as an entire institution.

Senator Tannas argued that Senate committees, given their more independent nature, are also able to launch studies on issues that members of the House of Commons would not have the time or the interest to pursue, which can result in significant changes, especially for minority groups. Other senators also highlighted the ability of committee inquiries to provide an important outlet for reflecting the diverse issues of under-represented groups. Whether it be the rights of prisoners, or issues like cyber-bullying and Islamophobia, Senate studies provide an outlet for senators to reflect upon and champion the concerns of under-represented communities. Senator Tannas gave a particular example of a complex tax issue faced by certain religious communities in his province of Alberta, and explained how he was able to initiate a committee inquiry and call officials as witnesses specifically to address the issue.

Given that the government must respond to Senate reports within a set timeframe, Senate studies also maintain a level of integration with government processes and can result in meaningful public attention and legislative or regulatory change. While some senators have lamented the lack of time, funding or perspective from specific studies, noting that consensus-based final reports can often lack a unifying thesis—a common challenge in the House as well—it nevertheless remains a key locus of senatorial attention and interest on committees.

To summarize: on legislation, and as documented by McCallion (2022) and others, the Senate and its committees have become more assertive since 2016 with amendments and generally challenging, though not necessarily blocking, government bills. This reflects the overall transformation from a traditional partisan chamber to one of increasingly free operators, along with Conservative holdouts, that nevertheless remains deferential to the elected House, as it largely did before 2016 as well. On the other hand, policy inquiries continue to be senators' most prized activity, just as before. In the middle is the role of oversight and government scrutiny, where we see much less agreement and interest. Thus, for legislative review, we see important changes since 2016. Yet, for policy inquiries, there seems to be a timeless continuity.

Conclusion

The post-2016 Senate of Canada is very different from its predecessor in some ways and strikingly similar in others. Its committees reflect this. The government has not fully achieved its goal of ending partisanship, but the Senate is no longer a traditionally partisan chamber. Instead, it has one traditional party and three other groups that defy easy categorization, with senators appointed after 2016 generally viewing themselves as independent non-partisan actors, while the Conservatives

continue to act as partisans and feel that other senators are at least quasi-partisan as well. And yet senators also come together in venerating the overall value of the chamber, with Senate committees, and specifically policy inquiries, embodied as a key strength of the institution. Senators of all stripes strongly feel their committees perform better than their House counterparts and exemplify the strengths of the Senate as a whole, and are strikingly unified on this point despite their differing views of partisanship—a timeless similarity with the past.

Unlike the House of Commons, Senate committees are seen as reflective of the strengths of the larger chamber itself, rather than idealized as reform vehicles to do things differently. Looking at them thus gives us an important understanding into the changing nature of the post-2016 Senate and its uncertain future as either a “dream team” of independent actors still deferential to the elected House or a “ticking time bomb” of a chamber that is not disciplined by traditional organized parties (Malloy, 2023). Future research, especially after a change in government, will allow a more complete assessment of committees and particularly the ongoing role of partisanship/quasi-partisanship in the post-2016 Senate; it could also encompass a wider number of senators, including greater understanding of francophone and Quebec perspectives. In the end, Senate committees reflect the ongoing ambiguity of the Senate itself.

Acknowledgements. This research was supported by an Insight Grant from the Social Sciences and Humanities Research Council of Canada, awarded to Jonathan Malloy.

Competing interests. The authors declare none.

Notes

1 Questions were standardized for each interview, and all senators were provided with a detailed letter explaining the expectations of the study as well as related ethics board clearances. Five interviews were conducted virtually while one was conducted in person, and all senators agreed to provide on-the-record responses, allowing their views to be attributed directly here. These interviews were held in parallel with similar interviews with MPs from the House of Commons, and we make a brief comparative reference below to one of the MP interviews.

2 House committees also have distorted gender patterns (noticeably Status of Women, which is 91% women). However, the lower number of women MPs generally means that variances are not as striking: the vast majority of House committees have either 25 per cent or 33 per cent women—that is, either three or four women on a 12-person committee. Interestingly, the House committee on National Defence is 50 per cent women, compared to only 33 per cent in the Senate.

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