Senate Public Bills in Canada: What goes up must bring something down?

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Abstract: This article examines the evolving role of Senate Public Bills (SPBs) in Canada following reforms to the Senate appointment process. It documents a sharp rise in the introduction and enactment of SPBs, analyses the procedural implications of this trend, and explores its impacts on both the Senate and the House of Commons. Drawing on legislative data and committee activity, the authors assess whether the Senate's growing self-initiated legislative workload enhances its ability to serve Canadians or inadvertently displaces other parliamentary functions. The article concludes by considering whether procedural reforms are needed to maintain institutional balance.

INTRODUCTION

Canada's Parliament consists of the Crown, represented by the Governor General, and a bicameral legislature composed of an appointed Upper House – the Senate – and an elected House of Commons. The House of Commons is the primary driver of legislation, but the Senate also plays a significant role in this regard by reviewing, amending, and initiating legislation (except for money bills, which must originate in the Commons).

Reforms to the process for appointing Canadian senators was announced nearly a decade ago,[2] whereunder partisan appointments were replaced with appointments made on the recommendation of independent advisory bodies. This has transformed the composition of the

[1] Both authors previously worked at the Senate of Canada; the views in this article are those of the authors alone and not of any employer.

[2] Government of Canada. 'Government Announces Immediate Senate Reform'. *News Release*, 3 December 2015. Accessed at: https://www.canada.ca/en/democratic-institutions/news/2015/12/government-announces-immediate-senate-reform.html.

Senate,[3] which went from having two parties to (at the time of this writing) one party and three groups, the largest of which is the unaligned Independent Senators Group.[4]

The growing body of literature assessing the impacts felt from the 42nd Parliament (when the changes to the appointment process were initiated) until now (the 45th Parliament, which began in May 2025) identifies, among other things, increased amendments to government bills proposed by senators,[5] more Senate willingness to use its formal powers,[6] and some variation in committee practices.[7] In keeping with the theme of this issue, 'Exploring and Assessing Parliamentary Performance,' this article explores the increase in senators initiating public policy through Senate Public Bills (SPBs), a trend on which senators and their advisors have opined.[8]

The most recent completed session - the 44th Parliament, 1st Session (2021-2025) - saw 92 SPBs introduced, setting a sessional record.[9] As an arbitrarily picked but interesting comparative. point: this is more than the total number of SPBs introduced in the 18th through 34th Parliaments combined (90 SPBs), a period of nearly six decades (1936-1993).[10]

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[3] Paul G. Thomas, 'Moving Toward a New and Improved Senate,' *Institute for Research on Public Policy*, 6 March 2019. Accessed at: https://irpp.org/wp-content/uploads/2019/03/Moving-Toward-a-New-and-Improved-Senate.pdf.

[4] *Standings in the Senate*. Accessed at: https://sencanada.ca/en/senators/.

[5] Elizabeth McCallion, 'From Private Influence to Public Amendment? The Senate's Amendment Rate in the 41st, 42nd and 43rd Canadian Parliaments'. *Canadian Journal of Political Science* 55(3) 2022, pp. 583-599.

[6] Jason Robert VandenBeukel, Christopher Cochrane & Jean-François Godbout, 'Birds of a Feather? Loyalty and Partisanship in the Reformed Canadian Senate'. *Canadian Journal of Political Science* 54(4) 2021, pp. 830-849.

[7] D. de Paiva & J. Malloy, 'What Do Senate Committees Tell Us About the Post-2016 Senate?' *Canadian Journal of Political Science* 57(4) 2024, pp. 861-876.

[8] Hon. Ratna Omidvar, Jérôme Lussier, Paul Faucette & Hon. Julie Miville-Dechêne, 'Senate Public Bills as 'Excellent Policy Value' for Canadians'. *Canadian Parliamentary Review* 46(4) 2024. Accessed online: https://www.revparlcan.ca/en/senate-public-bills-as-excellent-policy-value-for-canadians/. See also discussion in Catherine Cullen, host, *The House*, podcast, 'Is Trudeau's Reformed Senate Working? Here's What Senators Say', 25 July 2025. Accessed at: https://www.cbc.ca/listen/live-radio/1-64-the-house/clip/16160198-is-trudeaus-reformed-senate-working-heres-senators.

[9] Parliament of Canada. 'LEGISinfo'. Accessed at: https://www.parl.ca/legisinfo/. NB: This includes ceremonial bill S-1, which is indicated as a Senate Public Bill in sources such as LEGISinfo (the parliamentary legislation website) and the Library of Parliament's Table of Legislation for most sessions. However, S-1 is not included in all sources for all sessions as a Senate Public Bill given its pro forma nature. This article will indicate which data source is used for each figure provided, bearing in mind that some data sources may not be internally consistent regarding S-1 (at the time of this writing, LEGISinfo is missing S-1 for some older sessions of Parliament).

[10] Library of Parliament (Canada), 'Table of Legislation'. Accessed at: https://lop.parl.ca/sites/ParlInfo/default/en_CA/legislation/TableOfLegislation.

With this increase comes questions: Has the increase in the number of SPBs introduced made more work for the Senate? If so, is the Senate dedicating more of its sitting time to the study of SPBs or has there been a decline in sitting time devoted to non-legislative matters?

To explore and assess this change, this article is organised in four parts. First, it will explain Senate and House of Commons practice regarding backbench bills, focusing on the consideration of SPBs. Second, it will interrogate the recent increase in SPBs. Third, it will discuss the effects of the increase in SPBs on parliamentary business, including in the House of Commons. Finally, it will offer perspectives on the increase in SPBs and its impacts within the larger context of the Senate reform.

BACKBENCH BILL PRACTICE

The non-government public bill practices of the Canadian Senate and House of Commons differ in significant ways. In the House of Commons, there is a lottery at the start of a Parliament in which backbench MPs are placed on the List for the Consideration of Private Members' Business.[11] Certain MPs (ministers, the Speaker, parliamentary secretaries, etc.) are ineligible but among the rest, MPs can introduce as many Private Members' Bills (PMBs) and motions as they like regardless of the number they draw. The kicker is that when the MP's number from the lottery comes up, they can only pick one item in their name to advance.

In the Senate, the Rules state that 'A Senator may, as of right, introduce a bill in the Senate.'[12] There is no equivalent lottery to the House of Commons and each bill can be called each sitting once it is on the Order Paper. When the item is called, rather than debate it, senators may let it 'stand' to a future sitting.[13] In other words, senators can have multiple SPBs advancing before the Senate and are not restricted by a lottery, but are limited in that bills are called in their order on the Order Paper. This means there is an incentive to have a bill introduced early -

[11] 'Private Members' Business', in Marc Bosc & André Gagnon (eds), *House of Commons Procedure and Practice*. Ottawa: House of Commons, 2017. Accessed at: https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_21-e.html.

[12] *Rules of the Senate of Canada*, 10-2.

[13] *Senate Procedure in Practice*, Senate of Canada, p. 73.

S-201 is more likely to be called every day but S-250 will have to wait in the queue if the intervening bills are not stood.

In addition to the lottery system, the House has a preliminary review of backbench bills through the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs (SMEM). When reforms were made to ensure that more PMBs received a vote instead of being talked out (as had previously been the case), criteria to ensure a bill's votability were established.[14] In short, a PMB (or motion) is reviewed with a view to declaring it unable to receive a vote at the end of second reading if it duplicates another matter decided by the House during that Parliament, clearly violates the constitution, exceeds federal jurisdiction, or is on the same matter as something on notice from the government.[15] The effectiveness of the scrutiny process is an open question.[16] A member can also ask for something to be designated non-votable,[17] but this is incredibly rare; non-votable items are debated for only an hour at second reading whereas votable items can have two hours of debate prior to the vote.[18]

When a PMB comes to the Senate, it does not face a similar review to SMEM, nor is there a SMEM-like process within the Senate for SPBs. When SPBs come to the House, they are only reviewed against the criterion of 'whether a similar matter has been voted on by the House in the same Parliament.'[19] SPBs coming to the House need a sponsor (someone eligible for the PMB lottery) and those bills jump the lottery queue discussed above (the sponsor does not lose their place in the lottery nor does it affect their other PMB items).[20] Because of the time it takes for PMBs to advance relative to SPBs, there are cases where the same bill is introduced in both Houses of Parliament with the hope of having the Senate version finish the Senate process and come to the House to be sponsored in the House by the person who introduced the PMB while

[14] For discussion see Charlie Feldman, 'Design of the Past Decade: Private Members' Bills in the Votability Era'. *Journal of Parliamentary and Political Law* 11(1) 2017, pp. 99-127.

[15] House of Commons. 'Private Members' Business: Practical Guide', Appendix A, October 2008. Accessed at: https://publications.gc.ca/collections/Collection/X9-22-2005E.pdf.

[16] See e.g. Alan Freeman, 'Scrutinizing Private Members' Bills'. *CBA National Magazine*, 5 December 2022. Accessed at: https://nationalmagazine.ca/fr-ca/articles/law/rule-of-law/2022/scrutinizing-private-members-bills

[17] Standing Order 87(1)(d)

[18] See Standing Order 95.

[19] See Evidence, Standing Committee on Procedure and House Affairs, 41st Parl., 2nd Sess., No. 4 (27 May 2014).

[20] Standing Order 86.2(2): 'A member shall not lose his or her place on the list for the consideration of Private Members' Business by virtue of sponsoring a Senate public bill or a private bill, but no member may sponsor more than one such bill during a Parliament.'

the PMB languishes waiting for the MP's lottery number to come up.[21] This is possible in part because the House debates PMBs for one hour each day;[22] the Senate can call SPBs every day but does not have time limits for debate on items.[23]

The contrast in debate time allocation for non-government public bills varies in each chamber. In the House, a PMB faces a rigid maximum of two hours of debate at the second reading stage, after which any necessary question for disposal is immediately put without further discussion. Individual members speaking on PMBs are generally limited to 15 minutes for the mover (plus five minutes for questions and comments) and 10 minutes for other members.[24] This means a fixed and finite debate period for PMBs. Similarly, chamber debates at subsequent stages also have time caps.[25] Conversely, SPBs in the Senate are subject to no explicit overall time limits for debate at either the second or third reading stages. Individual speaking times are generous—unlimited for the Government Representative in the Senate, the Leader of the Opposition and the leader of the largest group in the Senate that is neither the Government nor the Opposition, and up to 45 minutes for the sponsor, the critic, leaders of other groups, and other designated senators.[26]

The absence of a hard cap on the total debate time for an SPB means that debate on an SPB can extend across multiple sittings and hours until all interested senators have spoken. As a result, an increase in the number of SPBs introduced could in theory directly contribute to an increase in the Senate's overall sitting time if all were to be debated similarly; an increase in the number of PMBs could not have the same result on the House's sitting time given that chamber's debate time allocation rules and practices.

[21] See discussion in Charlie Feldman, 'Trends in Canadian Non-Government Legislation: A Tale of Two Houses'. *PSA Parliaments*, 5 September 2023. Accessed at: https://psaparliaments.org/2023/09/05/trends-in-canadian-non-government-legislation-a-tale-of-two-houses/.

[22] See Standing Order references to 'private members' hour'.

[23] 'There is no fixed time limit for each category under the Orders of the Day, nor is there a time limit for any particular item, unless it is subject to time allocation. The time spent on the Orders of the Day thus varies from sitting to sitting.' *Senate Procedure in Practice*, Senate of Canada, p. 73.

[24] See House of Commons. 'Time Limits on Debates and Lengths of Speeches'. Accessed at: https://www.ourcommons.ca/procedure/time-limits/index-e.html.

[25] See Standing Order 98(2) and (3).

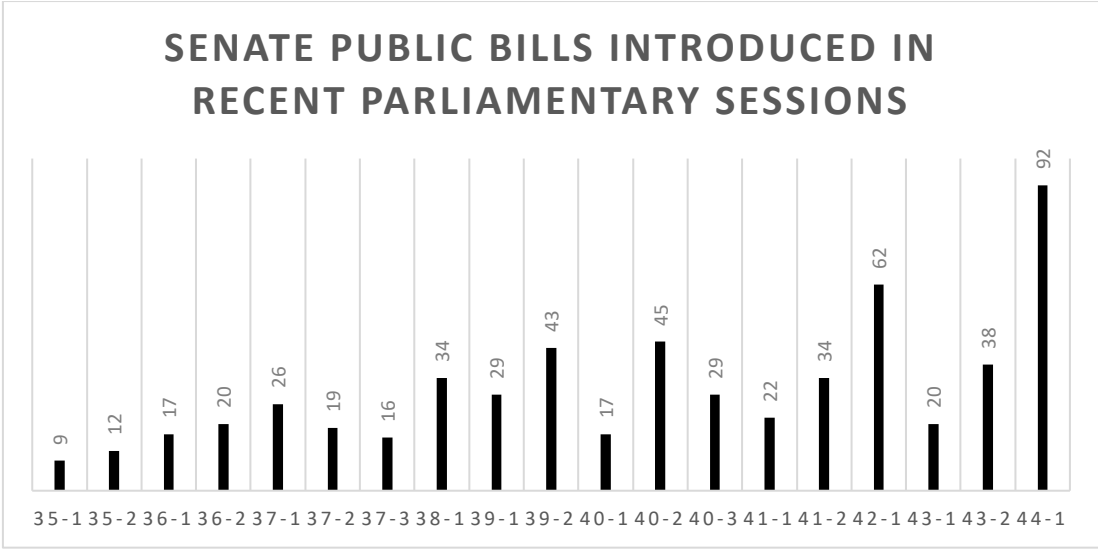
[26] See Senate Rule 6-3.

As a final note of importance for number crunching, PMBs are automatically reinstated in a new session of the same Parliament and retain the same number.[27] In the Senate, there is no automatic reinstatement; items must start afresh. The result is that if prorogation occurs while a PMB is in the Senate at, say, third reading, it will be deemed by the House to pass the House when the House returns in the new session, but will then start the Senate process from scratch. As for SPBs, whether they were in the Senate or in the House at the time of prorogation, their entire parliamentary progress is erased. If the sponsoring senators choose to reintroduce them, they're given new bill numbers following the usual rules.

The SPB Increase

Documenting the SPB increase is rather straightforward in looking at recent sessions; however, sessions do not have equal durations. Consider as well, for example, that the Covid-19 pandemic significantly impacted parliamentary operations in 2020 and 2021 (during the 43rd Parliament, 1st Session).[28]

Figure 1. Number of SPBs Introduced from the 35th to the 44th Parliament, by session[29]



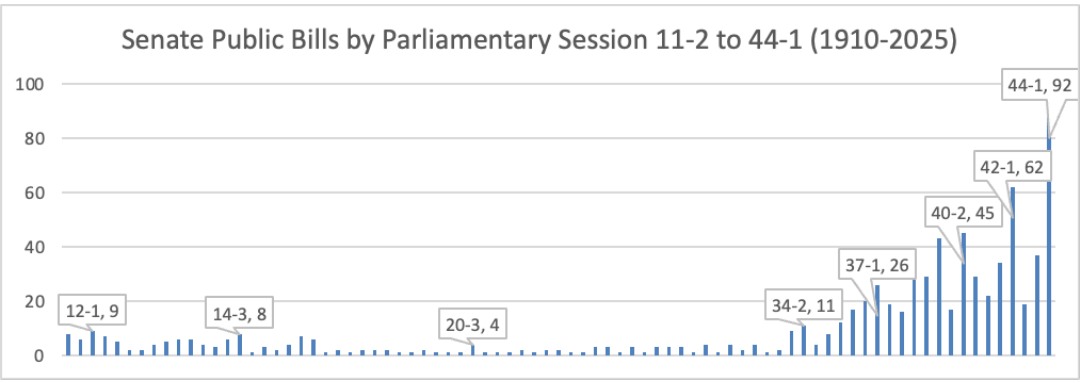
[27] Standing Order 86.1.

[28] For some discussion see Paul E.J. Thomas, *Parliament Under Pressure: Evaluating Parliament's Performance in Response to COVID-19*. Toronto: The Samara Centre for Democracy, 2020.

[29] Data based on LEGISinfo information available in August 2025.

It is recognised that the number of SPBs introduced has fluctuated over time and that this is part of an overall trend in the increase of SPBs that may be linked to matters far beyond the scope of this article.[30] However, even within this context, the dramatic increase in SPBs in the 42nd and 44th Parliament stands out even more when seen against previous SPB peaks, as illustrated in Figure 2.

Figure 2. SPBs Introduced by Session with peaks indicated (11-2 to 44-1)[31]



The early activity in the 45th Parliament, which began on May 26, 2025, aligns with the recent trend of increased SPB activity. In the first 15 sitting days, 32 SPBs were introduced.[32] This represents a high initial rate of approximately 2.13 SPBs per sitting day. For direct comparison, in the Senate's first 15 sitting days of the 44th Parliament, a slightly higher number of 34 SPBs were introduced. This equates to an initial rate of approximately 2.27 SPBs per sitting day. While the 44th Parliament saw a marginally higher volume of SPB introductions in its very first 15 sitting days, the 45th Parliament's initial pace remains exceptionally high and suggests that the upward trajectory in SPB volume across recent parliaments will likely be maintained or even surpassed in the current Parliament.

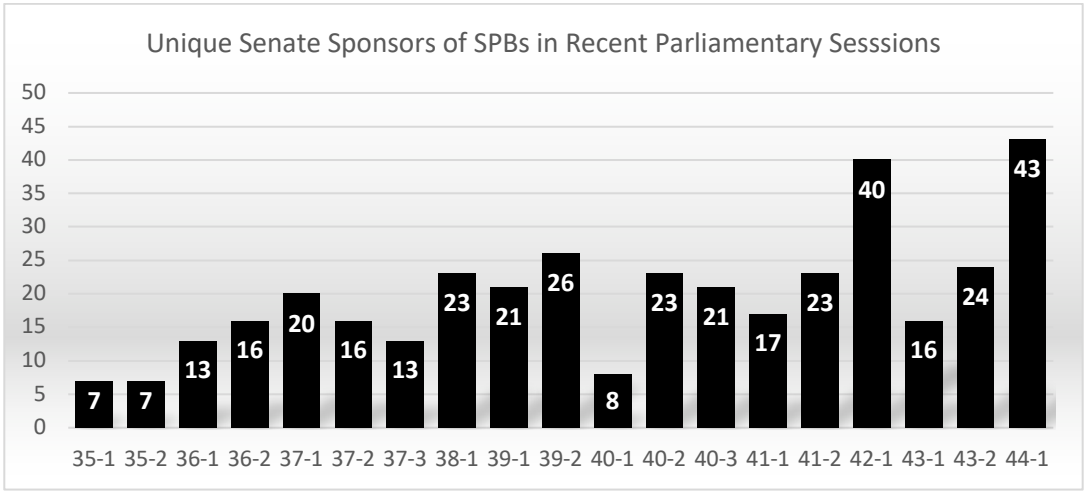
[30] The Senate's work and workload have changed considerably in the last century. Of particular note: The Senate is now sitting more often and no longer has jurisdiction over divorces, which constituted the bulk of the Senate's workload at one time.

[31] Data based on Library of Parliament Table of Legislation information available in August 2025; not all sessions may be visible.

[32] This is excluding S-1. See Parliament of Canada. 'LEGISinfo'. Accessed at: https://www.parl.ca/legisinfo/.

As well as an overall increase in number, there is also an increase in the number of unique SPB sponsors. That is, this is not a case of some veteran senators introducing many bills; rather, more new senators are dipping their toes into legislative waters. Consider that the Senate is composed of 105 Senators.[33] The fact that 43 of them introduced an SPB in the most recently completed parliamentary session means that 40% of Senators had an SPB in their name, a percentage that would be unthinkable in prior decades.

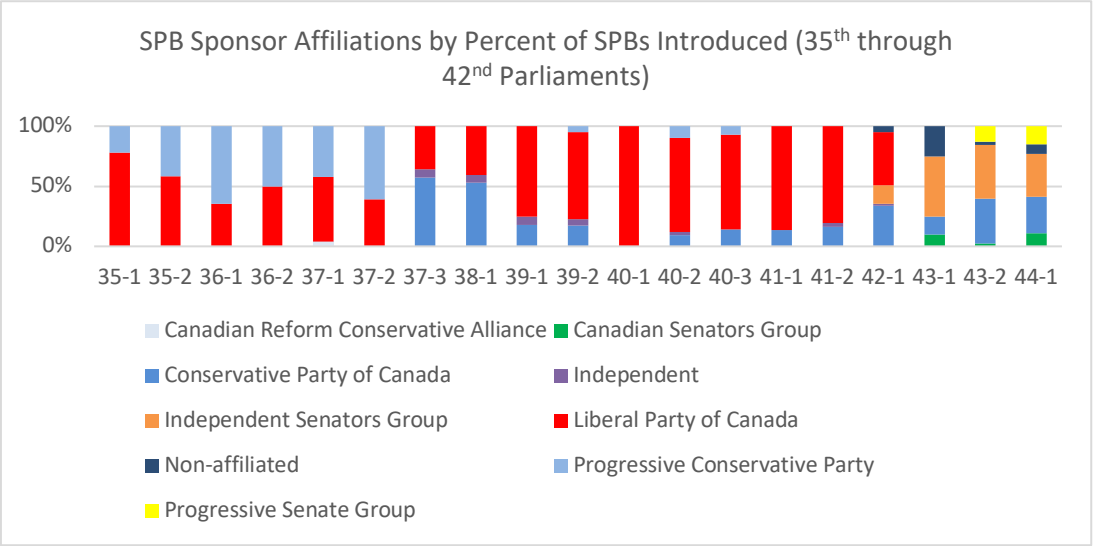
Figure 3. Unique Senate Sponsors of SPBs in Recent Parliamentary Sessions



The increase in SPBs is not limited to newly appointed senators - every affiliation in the Senate is involved. With apologies for the somewhat messy visual, here's what the breakdown looks like over time, based on cross-referencing LEGISinfo information with the Library of Parliament's Parlinfo database to determine affiliation on the day of the SPB's introduction.

[33] Assuming all seats are filled and no temporary expansion of the Senate has occurred under section 26 of the *Constitution Act, 1867*.

Figure 4. SPB Sponsor Affiliations by Percent



What may not be obvious from the chart is something that may surprise some readers. Though the Independent Senators Group (ISG) had a plurality of Senate seats during the 44th Parliament (37 to 45 seats depending on the day) and the Conservative Party of Canada (the only 'party' within the meaning of the Senate Rules that remains in the Senate) had a dwindling number over the course of the session (from 18 seats to 11), Conservative senators were more prolific in their introduction of SPBs than their ISG counterparts.

Using the median of seats held at any point during the session, the ISG had 38% of the Chamber seats and 35% of the SPBs, whereas the Conservatives had 14% of the seats and 30% of the SPBs introduced. In other words, while the SPB increase followed a change in Senate appointments, it is not necessarily the newly appointed senators who are leading the way on the SPB increase.

In addition to more SPBs being introduced, more are passing the Senate and indeed advancing to royal assent. As an interesting point to ponder, in both the 42nd and 44th Parliaments, more SPBs received royal assent than government bills introduced in the Senate. In the 43rd Parliament, 1st Session no Senate-introduced bills received royal assent (again, recall this was during the Covid-19 pandemic) and in the 2nd Session, one SPB and one Senate government bill each received royal assent.

In short, the numbers show that the Senate is not just seeing a greater number of SPBs introduced but is considering more SPBs, which are in turn being enacted with increasing frequency. This means, along the way, SPBs are taking more chamber and committee space - in both Houses.

PARLIAMENTARY IMPACTS

If more SPBs are being considered at various stages in the Senate and House of Commons, that means that time has to be made for them. In particular, they are competing for committee consideration time with government bills and PMBs, along with subject-matter studies. Curiously, the increase in SPBs is happening at a time when fewer PMBs are being introduced in the House of Commons.[34] However, PMBs continue to advance (just fewer are being introduced) so there's nothing to suggest that SPBs have displaced PMBs in terms of committee priorities. However, there is reason to think that the rise in SPBs has impacted the work undertaken by Senate standing committees that typically study legislation.

To state the obvious, a committee cannot discuss two things at once. Choices have to be made with the limited time available. The Senate Rules state explicitly that 'Except as otherwise provided, Government Business shall have priority over all other business before the Senate.'[35] However, the application of this principle in committees is not as clear-cut and was the subject of a question of privilege in the Senate in 2019[36] after a committee decided to consider a backbench bill from the Commons before a government bill.[37]

Public bills, including SPBs, undergo a detailed and time-consuming process in committee, which involves witness hearings, clause-by-clause consideration (including consideration of amendment proposals), and reporting to the Senate. If more SPBs are referred to Senate committees for study and more of them are being reported back to the Chamber, there is reason to think that Senate committees may be spending more time studying legislation and less time studying other issues of public concern.

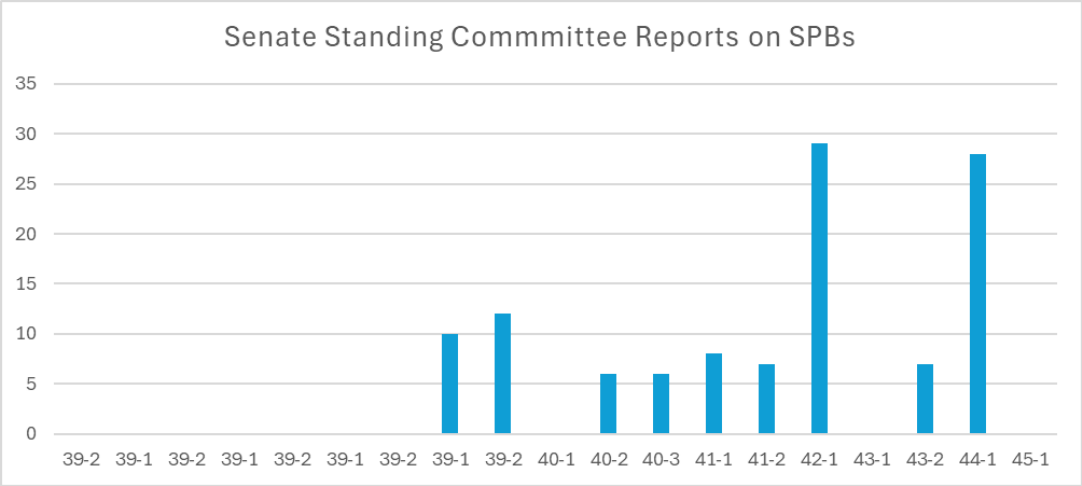
If we take, for example, the number of reports on SPBs produced by Senate standing committees over the last few Parliaments, it is clear that committees are producing more reports on SPBs except during the 43rd Parliament, 1st Session during which Senate committees did not report on any SPBs (recall this was during the Covid-19 pandemic). Notably, in the 2nd Session, which lasted slightly less than a year, committees issued seven reports on SPBs—surpassing the average output of five reports on SPBs per session of the 10 sessions immediately preceding the Senate reform.

[34] See discussion in Feldman, 'Trends in Canadian Non-Government Legislation'.

[35] Rule 4-12 (1).

[36] Canada, *Debates of the Senate (Hansard)*, Senate, 11 June 2019, pp. 8487-8493.

[37] See Canada, *Proceedings of the Standing Senate Committee on Aboriginal Peoples: Issue 57 – Evidence*, 42nd Parliament, 1st Sess., 11 June 2019.



A review of the legislative reports produced since Senate reform was initiated reveals a consistent pattern in the Senate's studies of bills originating from itself. The proportion of committee reports on SPBs relative to all legislative reports remained remarkably stable across the 42nd Parliament, 1st Session (25%), 43rd Parliament, 2nd Session (22%), and 44th Parliament, 1st Session (26%). This consistent range, approximately one quarter of all legislative reports produced, indicates that a significant and steady portion of Senate committee scrutiny of legislation is dedicated to bills introduced by members of that Chamber.

In that same period, non-legislative substantive committee reports went from making up 69% of all reports produced in the 42nd Parliament, 1st Session (280 such reports over 406 total reports) to representing 57% of the 253 reports produced in the 44th Parliament, 1st Session. Also in that same period, reports on PMBs made up a smaller component of all legislative reports compared to reports on SPBs. Specifically, reports on PMBs constituted 11% of all Senate committee legislative reports in the 42nd Parliament, 1st Session, 19% in the 43rd Parliament, 2nd Session, and 18% in the 44th Parliament, 1st Session.

All these numbers suggest that Senate committees are allocating a significant proportion of their time and resources to SPBs, with less of their attention going to the non-legislative studies through which the Senate traditionally influenced policy-making, as well as public policy originating from backbenchers in the other chamber.

On the House of Commons side, concerns have been mounting that SPBs are displacing PMBs since they jump the queue. This is an issue that the Government signalled as a concern in its

discussion paper on reforming the Standing Orders;[38] however, no reform subsequently occurred.

Notably, the increase in SPBs being passed by the Senate has had an impact on SMEM. While the Subcommittee must meet after a replenishment of PMBs, SPBs coming from the Senate trigger meetings as well. In the 44th Parliament, SMEM met 11 times, of which three were to deal only with SPBs; of the 25 meetings it held during the 42nd Parliament, 11 were to deal with only Senate business. While SMEM meetings are often just a matter of minutes (if that - some of the meetings are less than a minute when the items to be considered are all unobjectionable), all meetings regardless of their duration involve resources. The MPs must book the time and cannot be elsewhere. As well, the procedural clerk of the committee, the analyst from the Library of Parliament, and the interpreters must all be present. Add to that the audiovisual support team, the transcription services provided by the publications team and the physical meeting space that cannot be used by other committees. In short, even if it's effectively a pro forma meeting, it requires resources that could be used otherwise.

As noted above, the SMEM review for SPBs is a limited exercise focused only on whether a similar item has already been voted on in the same Parliament. In the decade since this practice came into being, no SPB has been found by SMEM to run afoul of this criterion. As such, it is worth considering whether SPBs should continue to be a part of SMEM's workload. Other options might include considering whether a bill that was indeed duplicative might simply die on the Order Paper without an MP sponsor or have an MP sponsor but one who never seeks to advance the item. In the alternative, SMEM could apply its full criteria to SPBs - after all, why should the House be allowed to vote on certain matters at second reading if initiated by senators but not if they are initiated by MPs?

Another matter to ponder is whether the Senate itself should adopt a system similar to SMEM to play 'traffic cop' for bills that would otherwise take up chamber or committee time. A proposal before the Senate in 2016 would have placed an obligation on committees considering bills to report back on matters such as constitutionality and 'whether the bill unduly impinges on any minority or economically disadvantaged groups'.[39] In theory such tasks could be given to a subcommittee of senators prior to second reading in the chamber, a process that might determine that certain matters are not appropriate for extended chamber

[38] Government of Canada. 'Reforming the Standing Orders of the House of Commons'. March 2017. Accessed at: https://www.canada.ca/en/leader-government-house-commons/services/reform-standing-orders-house-commons/2017/march.html.

[39] Motion of Senator Bellemare, Canada, *Debates of the Senate (Hansard)*, Senate, 12 May 2016, pp. 676-680.

discussion akin to the criteria used by SMEM. This is distinct from imposing - similar to the House - a hard cap on how long chamber debate can last on an SPB at a particular stage.

These matters are worthy of more consideration if the SPB trends continue. To think through it with a hypothetical: if every senator introduces an SPB, every senator will want to see their SPB debated. Senators will not move to squelch one another's debate as anti-collegial behaviour in this regard may be turned back on them when it is time for their matter to advance. In this world of every-senator-gets-a-debate and that debate being controlled by when something was introduced rather than its importance, surely some initiatives that do not warrant sustained consideration may nonetheless receive it. While 'importance' here is a highly subjective and problematic term, it is intended to cover a number of scenarios. For example, in the current session, as of August 2025, there are bills to establish various symbolic days, weeks and months ranging from Judicial Independence Day to Jury Duty Appreciation Week, to National Immigration Month. Do all these matters require the same amount of debate as, say, proposals before the Senate to lower the voting age or restrict the marketing of alcoholic products? To be clear, this is not to say that 'symbolic' matters should receive no consideration or should not be voted upon; rather, the procedural context for such matters might be tailored to the bill, akin to US Congress procedures attaching different rules to certain bills.[40] Should the Senate approach (procedurally speaking) Bill S-221, *An Act to provide for the recognition of the Canada jay as the national bird of Canada* the same way it will approach Bill S-218, *An Act to amend the Constitution Act, 1982 (notwithstanding clause)*?

OBJECTIVES OF SENATE REFORM

When changes to the Senate of Canada's appointment process were announced nearly a decade ago, the responsible minister stated, 'The new, merit-based appointment process will reduce partisanship in the Senate, improve its capacity to serve Canadians, and help restore public confidence.' [41] While 'non-partisan' appointments speak to reducing 'partisanship,' and a 'merit-based appointment process' may correspond with efforts to restore 'public confidence' (particularly if the merit of certain appointees was at issue), the matter of 'capacity to serve Canadians' is less obvious. On its face, the Senate had been discharging its functions - and thereby serving Canadians - since its first meeting in 1867.

[40] For discussion see Congressional Research Service, "Special Rules in the House of Representatives: Purpose and Content" R48308 (2024). Online: https://www.congress.gov/crs-product/R48308

[41] Government of Canada, 'Government Announces Immediate Senate Reform'.

The link to capacity goes both ways: One might argue that senators are being more responsive to Canadians and serving them better by introducing more legislation that responds to their needs. However, if more bills are being introduced and debated without a corresponding increase in sitting time, are other matters receiving less scrutiny or being delayed, thereby not serving Canadians as well as before?

The capacity of House MPs to produce quality PMBs has been critiqued, particularly in relation to legislation modifying the *Criminal Code*.[42] If one takes the view that PMBs are not always fit for purpose, is there any reason to suggest that senators have access to additional resources in the preparation of their legislation that makes SPBs preferable to PMBs? This is certainly a capacity question to ponder if SPBs continue to be introduced and advanced in record numbers.

Further, it has been suggested at various points that perhaps Governments have sought to have backbench MPs advance items on the government's behalf as PMBs for various reasons.[43] If SPBs continue to prove a popular and viable means of enacting legislation, might there be great temptation for governments to use this route to advance their business, blurring the line on the Government's role vis-à-vis the 'independent' Senate?

CONCLUSION

Modifications to the Senate appointment process nearly a decade ago have produced changes to the Senate of Canada, including a dramatic increase in the number of SPBs. The precise nature of the link between the reform and the increase deserves more study. We could consider for example whether the increase is a direct result of the reform, or whether the reform happened to coincide with the upward trajectory SPBs were on given the change in government. For now, what is clear is that more senators are introducing more bills, more of which are receiving royal assent. While these might be touted as - in the words of some senators - 'Excellent Policy Value for Canadians'[44] - there are questions about the trade-offs. Time spent on SPBs is time that cannot be spent on other items of business and there are only so many hours in the (sitting) day.

[42] Robin MacKay, 'Parliamentary Rules Concerning Private Members' Bills'. *Canadian Parliamentary Review* 41(3) 2018, pp. 22-28.

[43] James B. Kelly & Kate Puddister, 'Criminal Justice Policy during the Harper Era: Private Member's Bills, Penal Populism, and the Criminal Code of Canada'. *Canadian Journal of Law and Society / Revue canadienne Droit et Société* 32(3) 2017, pp. 391-415.

[44] Omidvar, Lussier, Faucette & Miville-Dechêne, 'Senate Public Bills as 'Excellent Policy Value' for Canadians'.

It may be opportune for the Senate to consider how exactly its SPB procedures suit its current reality. Certainly, procedures allowing sustained debate over many days and premised on introduction order may have made more sense when few such bills were introduced. Similarly, given the issues presented in this work, it may also be opportune for the House of Commons to revisit the role of SMEM when it comes to SPBs.

Arguably, the increase in SPBs was a predicable consequence of Senate reform -- that is, if you put people who have been passionate advocates for various causes into an institution where they exercise legislative power, it is only natural that they will continue to advocate for those causes and attempt to do so using tools that are now available to them, including legislative ones. As noted earlier, the government signalled the issue of PMB displacement in the House -- perhaps reforms to the Standing Orders are necessary to accommodate the rise in SPBs. Or, it might be that Commoners respond a different way - in theory, if the pendulum swung too far, upset Commoners could band together to defeat or stall SPBs as a matter of course in asserting that their democratic legitimacy should trump the work of their appointed counterparts.

None of the foregoing is to say that SPBs are bad or should not be pursued with as much enthusiasm as they have been in the last few years. Both authors of this work have worked on SPBs that they believe were valuable contributions to the statute book. This work seeks simply to document and analyse trends in SPBs. These deserve close monitoring as finding the right parliamentary balance for the consideration of SPBs in both Houses may prove more difficult than envisaged given the realities of present parliamentary practice.