

*Charlie Angus*

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HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

Governor General of Canada  
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May 19<sup>th</sup> 2015

**RE: Senate Constitutional Residency Requirements**

The Right Honourable David Johnston,

At the outset, let me state that I have enormous respect for the role of the Governor General and respect for the non-partisan role that your office plays. However, I feel it necessary to write to you regarding the question of whether or not the process for appointing senators may be in breach of constitutional obligations. The recent senate scandal has resulted in a growing crisis of confidence in the upper chamber of government. If the process for choosing senators cannot be shown to be in line with constitutional obligations, then Canadians trust in both levels of government could be eroded further. I am sure you would agree that this would be a very unfortunate result.

The Canadian Constitution establishes the obligation for nominated Senator to "be resident" in the province or territory that they represent. Questions have been raised about whether a number of a number of senators including Duffy, Wallin, Stewart-Olsen, Patterson, and Zimmer actually meet their constitutional residency requirement. The Prime Minister and his government have repeatedly asserted that all Senators meet this constitutional requirement and that the verification process "is the basis on which they were appointed to the Senate and those requirements have been clear for 150 years."

And yet, we have been unable to learn from the Prime Minister's office exactly what those requirements are.

The Senate's former parliamentary counsel and law clerk testified in Senator Duffy's trial that the qualifications of potential Senators are solely reviewed and determined by the Prime Minister's Office and the Privy Council Office. He added that once approved, that as the Governor General you would appoint these individuals who were deemed qualified.

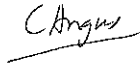
I am writing to ask if you can confirm this process to approve and appoint Senators and outline the process from your office's view

1. What is the 150 year old definition of constitutional residency?
2. Has your office asked for legal advice on the constitutional residency question and if so can you provide this legal advice publicly for Canadians?
3. What is the process for vetting potential and appointed Senators?

4. What role does your office play in ensuring that nominated senators are constitutionally eligible to take their place in the Senate?
5. Since constitutional questions of residency have been raised, has your office put in place any measures to ensure that such nominations respect the requirements of the Constitution?

The constitutional requirements of this nation are the bedrock foundation of the legislative branches of Canadian government. A senator being appointed who may not be eligible to sit in the upper chamber directly impacts the legitimacy of both levels of government. Canadians deserve to know whether there is actually a process in place to ensure that the Constitutional requirements have been respected. I look forward to your response.

Sincerely

A handwritten signature in cursive script that reads "C. Angus". The signature is written in dark ink and is positioned below the word "Sincerely".

Charlie Angus  
MP Timmins-James Bay