

Mr. Herb Gray, as Government Leader in the House of Commons, was quite amenable to changes to address those concerns. As a matter of fact, I do not recall — and I suspect that senior senators on the other side would agree — in my parliamentary experience of over a quarter century any government house leader of any previous government who has shown such a desire to cooperate with the Senate in accommodating their concerns.

Mr. Gray accepted the opposition's proposal to shorten periods of time in the process. However, he wisely suggested that it was unrealistic to expect that Parliament could produce the new legislation by February 1995 and suggested that it probably could be done by the end of the session in June. That is how the June 22 date got into Bill C-18.

Agreement was reached and Bill C-18 was passed into law. We all knew that a new Electoral Boundaries Readjustment Act would be forthcoming. Pursuant to Mr. Gray's undertaking, the House of Commons committee was given instructions to proceed immediately to prepare a new draft bill. They did so under the leadership of Mr. Peter Milliken. At the government's request, the House of Commons committee laboriously drafted a complete bill, as was anticipated by the Senate. That was Bill C-69.

The government accepted the bill produced by the committee and introduced it into the legislative process. It went through the full legislative process in the House of Commons and was forwarded to the Senate for approval. Mr. Gray was as good as his word. He supervised the legislative process which provided the Senate with a bill which had been adopted by a large majority of the elected members of the House of Commons. There was no breach of faith on the part of the government.

The reason for delay was that the Senate committee decided, as it had every right to do, to propose amendments, which amendments, by and large, would have superimposed the judgment of the Senate on certain policy matters already considered by the elected members of the House of Commons. That step required a return of the amended bill to the House of Commons. That took time because the House of Commons had to consider again those policy questions.

They did so, and they confirmed their original judgment, sending the bill back to the Senate in good time for the Senate to record its normal reaction — that is, time to send a message to the House of Commons saying that, in view of the careful reconsideration by the House of Commons of the policy questions, the Senate did not insist upon its amendments.

Why do I say that that would be the normal reaction of the Senate? May I cite you some authorities? Senator Murray said in July 1986, when he was government leader in the Senate:

The modern role of the Senate...is one of persuasion rather than resorting to the majority in the Senate when the

elected majority in the other place, after reflection, has taken a different position.

In committee when I used that quote Senator Murray said, "after reflection," but surely there is no doubt about there being reflection in this case. The amendments were sent, reconsidered and returned.

In June 1986, he said:

There is no justification in the world, except mischief and partisan politics, for delaying this bill any further.

In October 1987, he said:

The 19th century rights of the Senate to defeat legislation coming from the elected house have fallen into disuse and this is happily so in a democratic country.

In March 1990, Senator Beaudoin, the chairman of the Standing Senate Committee on Legal and Constitutional Affairs, and an acknowledged constitutional scholar, said:

In our system of responsible government, the House of Commons must have the final say. Within that house, the government, when it has the confidence of the house, has the final say.

• (1630)

Finally, Senator Duff Roblin, former premier of Manitoba, former candidate for leadership of the Progressive Conservative Party, former leader of the government in the Senate, said in September, 1987:

How can a body which is not democratic in respect of responsibility, or representative of the parliamentary system, presume that it can have its way, no matter how misguided it may think other people are?

Of course it is open to the Senate to deal with that message in any way it deems fit, provided it does its work conscientiously and expeditiously, but it does not lie in our mouths to say that the government has not acted in cooperation and good faith with the Senate in producing the proposed legislation as it promised and as honourable senators expected.

However, when the amended bill came before the Senate for action, the opposition raised the question of the continued validity of Bill C-69. The message was referred to the Standing Senate Committee on Legal and Constitutional Affairs, to resolve the question of whether the expiry of the suspension date mentioned in Bill C-18 had the effect of killing Bill C-69. The committee had 12 days to study that question.

Finally, on the second last day available, the committee met, heard clear evidence that the bill is still alive, and it heard no evidence to the contrary. The purpose of the reference to the committee had been fulfilled.