

One proposal envisaged a council composed of provincial delegates, with each province having a number of votes that, as a general principle, varied with (but was not proportionate to) its population. The council would exercise an absolute veto over the use of the so-called federal overriding powers. These powers include the spending power, the now obsolescent power to disallow provincial legislation, and several others. The council would have no role in other federal legislation. It would be a new institution, one that did not necessarily imply the abolition of the Senate.

Other proposals envisaged the combination of a provincial absolute veto on the overriding powers with a suspensive veto on other federal legislation. These proposals implied the replacement of the present Senate with a second chamber along the lines of the West German *Bundesrat*. Provincial governments would therefore represent the regions for purposes of federal legislation. Their delegates would vote under instructions, and each province would have a number of votes that varied with its population, but was not proportionate to it.

Underlying these proposals was the belief that the primary function of the second chamber should be intergovernmental co-ordination. However, most of the proposals envisaged a somewhat one-sided co-ordination, inasmuch as provincial initiatives that affected federal policies and programs would not have been subject to any institutionalized federal veto or input.

In the policy paper *The House of the Federation*, published in August 1978 following the tabling of Bill C-60, the federal government rejected the relevance for Senate reform of the West German experience as well as the notion of a second chamber composed of delegates of provincial governments.

In November 1980, the report of the sub-committee of the Senate Standing Committee on Legal and Constitutional Affairs (the Lamontagne Report) analysed in depth the arguments for a council composed of provincial delegates as well as the arguments for a *Bundesrat*-type Senate. It rejected both models and concluded that the intergovernmental aspects of the federation should continue to be handled by intergovernmental conferences. Its reasons were as follows:

- A council would give provincial governments a power of disallowance over certain legislation passed by Parliament. Its objectives could be accomplished in a less objectionable way, and without creating a new institution, by giving constitutional recognition to the First Ministers Conference.
- A *Bundesrat*-type second chamber would, in the same manner as a council, subordinate Parliament to the provincial governments: "It would give to the *executive branch* of the provincial order of government suspensive and absolute veto powers over the *legislative branch* of the federal order of government. It would make the federal Parliament a hybrid body amounting to a monstrosity."

The arguments advanced against new institutions based on the *Bundesrat* have clearly had their effect. Some expert witnesses appearing before the Committee admitted that they had changed their minds since first being attracted to the *Bundesrat* model in the late 1970s. Many other witnesses categorically opposed such an institution. A few supported the proposal in the Lamontagne Report for constitutional