

the important issue of the common market and the removal of trade barriers between our provinces. There is a redefinition of the use of the federal spending powers in areas of provincial jurisdiction which has raised questions of too little, too much or unequal, particularly in terms of manpower retraining.

There are changes to the amending formula which would require unanimity for future alterations to the Senate, the House of Commons and the role of the Supreme Court of Canada. There would be a return to the pre-1982 rules for admission of new provinces through bilateral negotiation between the federal government and the territory involved, an issue which may not attract much attention here in the south but one which is of critical and sometimes passionate concern to northern Canadians.

There is a Canada clause which commits Canadians and their governments to the development and vitality of official language communities throughout Canada, and which commits Canadians to the recognition of racial, ethnic and gender equality.

There are positive elements in this agreement. There are also disappointments. I do not think it is wrong to speak out about those disappointments. As a survey last week for the *Toronto Star*, CTV, *La Presse* and the *Vancouver Sun* made clear, Canadians will not tolerate a referendum campaign that is simply geared to politics of fear which would define degrees of patriotism in its citizens.

This agreement was forged after substantial and painful efforts at compromise by all the participants at the negotiating table. It was an honourable effort. We must talk about the substance of the agreement as it really is and not surrounded by expansive rhetoric which can only lead to disillusionment. That does not mean that the impact of the agreement will be lessened. It does mean that Canadians will be able to form opinions based on reality. Nowhere does this apply more clearly than in our discussion of the Senate which, once again, was a dominant factor in whether an agreement was to be forged at all, as was the case back in 1867.

The proposed new Senate, honourable senators, is not a true Triple-E Senate. This is not the Senate that Don Getty really preferred, or Clyde Wells, or Robert Bourassa, or Bob Rae, or any of the other premiers. It is not the Senate that Brian Mulroney preferred. It is not the Senate that Jean Chrétien or Audrey McLaughlin preferred. It is not the Senate that Westerners preferred -- certainly not this Westerner. My colleagues tell me it is not the Senate that Atlantic Canadians preferred.

What kind of a Senate will this be? Will it work? What can we do to give it meaning? Believe me, I have thought a lot about this in recent days, as I am sure all honourable senators have. I have thought about it against the background of a strong desire of the people in the provinces of Western and Atlantic Canada to have greater influence in the national decision-making process. I have thought about it from the general

[Senator Fairbairn.]

point of view of most Canadians that modern legislative institutions in this country must be accountable and credible through election.

I have always believed that that criterion has to be the first major step of Senate reform—that Canadians, not Prime Ministers and not Premiers, must be able to choose their senators and get rid of them if they do not measure up.

This agreement sets out the basis for Senate elections, even though the negotiators were not bold enough to do it straight and clean. Instead, the provinces may decide how those elections will be carried out—by the people or through the legislatures, as Quebec has indicated it intends to do in the beginning.

I believe that the legislature route will be shortlived, primarily because the people of such a province will force change through their political system, as happened in the early part of this century in the United States. They will insist that they be allowed to make that choice and not the government of the day through its legislative majority.

Senators are to be elected during a federal election—certainly not my preference. How they are to be elected is not specified.

Honourable senators, in my view our negotiators did Canadians a great disservice by failing to produce a model which clearly would provide election by proportional representation. We now have bitterness growing across this country over the issue of gender equality and the potential establishment of legislative quotas in some provinces and not in others. In my view, that is not the way to proceed.

Women are dividing over the restrictiveness of equality quotas versus the need to have some concrete political means of breaking down the barriers which keep women outside our legislative chambers. Proportional representation would have offered that chance, not just for women but for minority groups as well. Perhaps there is still some hope in this area as provinces consider how they will go about their elections.

We will have a precisely equal Senate, province by province. That was a principle which some premiers such as Mr. Getty and Mr. Wells held to be greater than any other principle in Senate reform. Everyone knew that equality would be at the expense of some effectiveness, but not that equality itself would be qualified.

Right off the mark, the larger provinces gain in the House of Commons what they lost in Senate seats, plus a guaranteed 25 per cent of Commons seats for Quebec. Some adjustment was made for British Columbia and Alberta as areas of population growth.

The increased numerical dominance of central Canada in the federal Parliament is clearly evident to people in Western and Atlantic Canada, and that fact undercuts any extravagant claims for substantial legislative influence in this equal Senate.