

Senate Reform

must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

If we applied that definition of the role of the Senate to the history of the Canadian parliament in the last 25 years at least, we would have to come to the conclusion, whatever our party affiliation, that the Senate has no real function. In the same chapter dealing with the Senate, MacGregor Dawson lists some proposals for changing the character and the function of the Senate, as we know it, as follows:

(a) the senators should be elected, directly by the people, or indirectly by some other body; (b) they should be partly elected, partly appointed; (c) there should be a fixed and limited term of office; (d) senators should be retired at a definite age; (e) the powers of the Senate should be limited like those of the House of Lords—

It seems to me that the only change that we have made in the power of the Senate is the one dealing with the age of retirement. In 1971, Senator Ernest Manning, who was premier of Alberta for over 25 years, was interviewed on CTV on the program "Question Period." They were discussing the role of the Senate, and Senator Manning said:

If the government's position is, and the House of Commons' position is, that the Senate really has no meaningful role then the proper thing for them to do is move for its abolition and not play games at the public's expense. It either has a meaningful constitutional role or it hasn't.

Should the Senate defy the House of Commons? My answer . . . would have to be "no". The basis of our democratic system is that the people whom the citizens elect are the ones who have the right to determine what will become of the laws of the country. No appointed body has the right to override the decision of the elected representatives.

The Senate has not done that. Do they have a role? I suggest that they have the power to block, to amend or to refuse to pass any and all legislation enacted by the House of Commons. The fact that they have not used that power, I submit, is to a large extent immaterial because there is no reason to believe that, given a House of Commons elected by people to change things very substantially, the Senate could not, if it wanted to, change or amend important legislation. The Senate is undemocratic. Its members are appointed until they reach the age of retirement. It is filled with members who have been active in politics for one or the other major parties. It is filled with members who have been elected, have run for election or have been financial collectors for the parties. The Senate is filled with people who are directors of important corporations. Senators who are directors are on committees which deal with legislation which affects the companies of which they are directors. Not so long ago, the chairman of the Senate Banking Committee which met to consider the application of a group which wanted to establish a bank was himself a director of a bank.

● (1710)

One of the best and most forceful critiques I have ever heard made of the Senate was by a man who is now a senator. At that time, Professor Eugene Forsey said, and I quote from a couple of paragraphs of an assessment of the Senate which he made about 20 years ago in the mid-1950s but everything he said then is still true:

[Mr. Orlikow.]

The Canadian Senate is one of the most thoroughly undemocratic bodies in the world, and has far larger powers than many Canadians suppose.

Senators are appointed, not elected. They hold office for life. They cannot be removed, except by the Senate itself.

The Senate can amend any bill whatsoever, including a money bill, and go on throwing it out, as often as it likes; ten, twenty, fifty, a hundred, a thousand times. There is nothing in Canada corresponding to the Parliament Act in Great Britain.

He went on to compare the Senate with the British House of Lords and said:

The House of Lords' veto on legislation is only "suspensive", temporary; the Canadian Senate's veto is absolute.

Even apart from the Parliament Act, the Lords' veto can be overridden by the creation of extra peers, as many as may be necessary. The Lords can be "swamped" . . . The Canadian Senate cannot be swamped.

It used to be said that we should not get very excited about the Senate, because prime ministers use vacancies in the Senate to appoint party faithful and cabinet ministers who have outlived their usefulness, and to make things easy for them. But in recent years that is not what has been happening. In recent years a substantial number of people have been appointed to the Senate who are, to say the least, relatively young. Let me mention just a few: Senator Davey, Senator Austin, Senator Everett, Senator Buckwold.

I am not suggesting for a moment that all senators are incompetent, nor am I suggesting that all senators are disinterested. As a matter of fact, at least three of the four I have mentioned are young, active, aggressive and competent. Some senators have done some very useful work. Without going over all the senators, let me mention a few of them. Senator Croll has chaired two Senate committees which have done very useful work. The committee on aging and the committee which dealt with poverty both produced excellent reports.

Senator Lamontagne chaired a committee which held hearings and gave very careful study to the question of a science policy in Canada, or I should put it in a more precise way and say the lack of a science policy in Canada. I cannot say that I agree with every recommendation which they have made, but they were certainly worthy of careful consideration. Senator Everett chaired a committee on finance and economic policy which heard some very impressive and useful witnesses. Senator Buckwold is now chairing a committee—not a Senate committee—which is involved in planning for the Habitat conference in Vancouver. All these committees have done useful work. The tragedy is that the government has paid virtually no attention to any of these committees.

Mr. Lachance: That is false.

Mr. Orlikow: The hon. member says it is false. I invite him to get up and talk about this in detail.

Mr. Lachance: I will do that.

Mr. Orlikow: Let us examine this. Senator Croll's committee documented the extent of poverty in this country. We can differ on the definition of poverty, but whether we use the definition of Senator Croll or the definition of the Economic Council of Canada, it is clear that between 25 per cent and 30 per cent of the people in Canada, by any