

Senate Reform

various parts of Canada, take testimony and hire experts, with the following terms of reference: That it shall examine the role of the Senate within Parliament and in its general constitutional functions and report with recommendations on whether the Senate should continue as it has been and is, or whether it should be abolished (and if so, by what means) or whether some form of reformed Senate is worthwhile (and if so, what reforms).

He said: Mr. Speaker, it will come as no surprise to hon. members that I am personally of the view that the Senate plays no useful role in the political life of Canada and that it ought, therefore, to be abolished. However, in light of experience, in light of the attitude taken by both the Liberal and the Conservative parties, I recognize the complete futility of proposing a resolution or putting forward a bill which would simply call for the abolition of the Senate. It is for this reason I am proposing the establishment of a committee to look into the role of the Senate, to study what part it plays in the political life of Canada and try to arrive at conclusions. If the evidence showed that the Senate presently plays no really useful part in the life of Canada, the committee might recommend ways in which it could be changed or reformed so that it could play a useful role.

I do not believe that a committee which looked at the question objectively could reach the conclusion that the Senate as presently constituted serves a useful purpose in Canadian life. I am so convinced that the Senate ought to be abolished that I believe a step in the right direction would be the establishment of a committee to study the question.

One of the leading experts on the constitution of Canada, one of the leading students of the place of the Senate in the last 25 or 30 years, is Professor Eugene Forsey. In a memorandum which he prepared in the late fifties when he was research director of the Canadian Congress of Labour, Mr. Forsey had some interesting observations to make on the role of the Senate. I should like to place some of these observations on record and discuss some of the conclusions reached. Professor Forsey said in his memorandum:

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 then drew attention to some of the limitations which have been placed under the British Parliamentary system on the power of the House of Lords, the chamber under the British system which is analogous to our Senate—limitations which make it impossible for the House of Lords to prevent bills passed by the Commons becoming law. Since Professor Forsey prepared his memorandum further limitations have been placed on the power of the House of Lords under the British parliamentary system, but no such limitations apply to the Senate of Canada. The Senate has virtually equal power with the House of Commons in the enactment of legisla-

tion. Aside from the limitations which have been expressed in the law of Britain curtailing the power of the House of Lords, Prime Ministers of Britain have for many years enjoyed the right to recommend the creation of as many members of the House of Lords as they felt desirable.

Sixty years ago a Liberal government in which Lloyd George, later Prime Minister of Great Britain, was a leading cabinet minister proposed sweeping social changes. When it appeared that the House of Lords would prevent the legislation from passing into law, the government made a public declaration that if the House of Lords were to prevent the passage of legislation implementing promises on the basis of which the government had been elected, the Prime Minister would recommend the appointment of sufficient members to the House of Lords to ensure that the legislation was enacted and that the will of the people was implemented.

This could not happen constitutionally in Canada because in this country the Senate has the absolute right to veto any legislation proposed by the Commons. True, it has not happened very often. It is possible that a government elected by the people of Canada on a program much more radical than we have had up till now would be blocked by the Senate. It is for that reason that Professor Forsey in the late 1950s proposed that the Senate be abolished.

• (4:10 p.m.)

In abolishing the Senate we would be following the process of democratization that has taken place in many countries. At the time of confederation five or six provinces of Canada had a second chamber, the members of which were appointed in much the same way as Senators are appointed at the present time. Since confederation, all the second chambers in Canada's provinces have been abolished. I think the provinces learned from experience that the second chamber played no useful role, and it was for that reason that Professor Forsey was so strong in his support of the proposal that the Senate be abolished.

It has been argued that the Senate can and does play a useful role. In the last half dozen years in particular a number of quite young people in their thirties and forties have been appointed to the Senate, instead of those in their sixties and seventies who had been appointed for many years in the past. A number of Senate committees have undertaken some quite important studies into matters of policy that are of tremendous importance to Canadian citizens. Let me mention a few of them. There was the committee headed by Senator Croll which studied in depth the problem of the aged in Canada and made a report that had considerable merit. In their report they made a number of very useful proposals as to what should and could be done to improve the lot of the aged in this country.

The committee headed by Senator Davey studied in depth the condition and role of the media—the press, magazines, radio and television—in this country. I think it did an excellent piece of work. A large number of