said, "The concept of a distinct society in the present agreement is much stronger than it was in the Meech Lake Accord." He said, "The courts will give the provision priority over other fundamental characteristics outlined in the proposed new Canada clause when they interpret the Constitution."

Mr. Fortier, a constitutional lawyer, went along with Mr. Bourassa's recent statement that the agreement was only the first step toward greater powers for Quebec.

On the other side of that attainment, it seems to me that the Senate has really been emasculated; emasculated due to the slavish attachment of the western premiers and certain premiers in the Maritimes to the concept of equality. Indeed, power within this Senate and within the federal government has been arrogated to Ontario and Quebec and away from the Prairies and the Maritimes.

We can look at some of the details of the make-up of the new Senate to understand what has happened to the power of this body. Senators can be appointed by the legislative assemblies of the various provinces. Quebec intends to do just that. Surely, if senators are appointed by a legislative assembly, the loyalty of those senators is to their provincial government. Surely, an elected Senate was fundamental to the concept of a new Constitution for Canada.

If, on the other hand, it is determined by a province that its senators will be elected, that election will take place at the same time as the general election. In other words, if the House of Commons dissolves, then all of Parliament dissolves and the Senate is involved in the same general election as the House of Commons.

Federal legislation governs how the general election will take place and how the election of senators will be determined. Under those circumstances it is highly unlikely that we will have any concept of proportional representation. The election will be direct, as it is in the House of Commons. The end result will most likely be that the Senate will reflect the same distribution of seats as the House of Commons; something which will greatly reduce the independence of the Senate.

I had hoped that the Senate would be elected at prescribed times that would not coincide with the election of the House of Commons. Indeed, I had hoped that there would be some method of proportional representation so that the representation would be wider and more independent. Over and above that, this new Senate is not to be a confidence chamber, and it is not to have any representation in the cabinet.

There are four categories of legislation with which the new Senate will deal. They are supply bills, legislation materially affecting the French language and culture, fundamental tax policy changes directly related to natural resources, and other, or ordinary, legislation.

Dealing first with other legislation, the Senate has 30 sitting days to deal with such legislation after it has been disposed of by the House of Commons. A defeat of the legislation in the Senate triggers a joint sitting of the Senate and the House of Commons. One has to take into account that if the Senate is elected at the same time as the House of Commons by direct election, then it is highly unlikely that a great deal of legislation that comes from the other place will be defeated in the Senate. That is so because government supporting senators will likely be in the majority.

At a joint sitting, the majority determines whether the legislation passes or fails. The Senate goes to that joint sitting with 62 seats. The House of Commons goes with 337 seats. That is an additional 42 seats over what they have today, and, of those 42 seats, 36 are going to Ontario and Quebec.

One can understand that the Senate vote will likely be split and will be quite close if the legislation is defeated in the Senate. The result, I suggest, is that there will be precious few joint sittings, and, when there are, the government in the House of Commons will generally override the veto of the Senate.

Then we come to the question of supply bills. Those are defined in the legislation as taxation, borrowing, and appropriation bills. For some reason, they exclude fundamental policy changes to the tax system. I assume that, under those circumstances, those fundamental changes would be dealt with as ordinary legislation.

As far as supply bills are concerned, it is not 30 sitting days after the Commons deals with the legislation; they must be dealt with in 30 calendar days. If the Senate defeats the legislation or amends it, then it can only be suspended by the Senate for a total of 30 days. It can then be repassed by the Commons.

Then we come to the classification between ordinary legislation and supply bills. Interestingly enough, the originator of the bill determines whether or not it is a supply bill. In most cases, the originator will be the government.

The appeals from that determination are to the Speaker of the House of Commons who is only required to consult with the Speaker of the Senate. The Speaker of the Commons makes the final determination.

If supply bills were confined to a broad classification—that is, the budget, the main borrowing bills, and the main appropriation bills that arise out of the Main Estimates and the Supplementary Estimates—then that probably would not be a problem. But senators are aware that a number of bills that go through have attached to them an appropriation. They get what is called a Royal Recommendation. By virtue of that, they become supply bills, and under the proposals the Senate can only suspend those bills for 30 calendar days.

Look at the situation that will obtain then. The government of the day—and let us assume that we have an aggressive government—will determine whether or not a bill is a supply bill or an ordinary bill. If it is a supply bill, then, by virtue of the fact that moneys are appropriated by that bill, and the Speaker of the House of Commons backs up the government,