

believe is the Senate's primary role. Only a politically strong second chamber can dispute, when necessary, the decisions taken by a government that is supported by the House of Commons. Therefore only an elected Senate can satisfy the original intent of the fathers of Confederation: the provision of a chamber that would balance judiciously the power of the Commons (which is based on representation by population) by safeguarding the legitimate interests of the people of the less populous provinces.

In proposing an elected Senate we are rejecting not only a reformed system of appointment, but also certain other proposals that have been made in recent years. One of these is abolition of the Senate. It is a course of action that from time to time has appealed to some Canadians, and it is the preference of one member of our Committee. However, the weight of the testimony brought before the Committee was overwhelmingly opposed to abolition.

Another option we reject is the creation of a legislative chamber composed wholly or in large part of delegates of provincial governments acting under the instructions of those governments. Proposals for such a chamber are usually inspired by the German Federal Council, the *Bundesrat*. A *Bundesrat* is appropriate for Germany, where the *Länder* (the German provinces) have relatively little legislative and financial autonomy compared with Canadian provinces and where institutionalized co-ordination of federal and *Land* activities is made virtually mandatory by the fact that the *Länder* are heavily involved in administering federal legislation. The Canadian federal system is quite different, and a *Bundesrat*-type chamber could lead to serious problems. We share the view, contained in the 1980 report of the sub-committee of the Standing Senate Committee on Legal and Constitutional Affairs (the Lamontagne Report), that such a chamber would subordinate, in an inappropriate way, the federal legislature to the executive branch of the provincial order of government. It would, in the words of that report, make the federal Parliament a hybrid amounting to a monstrosity.

Nor do we consider that a system of 'indirect' election — the election of senators by members of Parliament or of the provincial legislatures — would result in any significant change in the role and political authority of the present Senate.

It has been pointed out to us that only a few years ago many people were recommending a *Bundesrat*-type Senate, and some have asked whether direct election is a fad, a passing interest that will fade as quickly as did interest in the *Bundesrat*. To respond, as one journalist has, that "democracy is never a fad" is perhaps too simplistic, but there is truth in that response. It seems to us that direct election is the proper path for Canada's long-term political and constitutional development.

Many witnesses who favoured an elected Senate were quick to point out that embracing the principle of direct election is only the first, although an important, step. It is also necessary to decide what kind of elected Senate would best suit Canada's parliamentary system of responsible government. We must also confront the difficult question of how to distribute among the provinces and territories the appropriate number of seats in such a politically powerful body.

We believe that Canada should establish an elected Senate designed in such a way that it would not be vying continually for supremacy with the House of Commons: it