

afternoon, mine being low on the list of public bills to be debated. This goes to emphasize that a great many bills which are presently on the Order Paper and which are not printed would indicate that the member is not particularly interested in proceeding with the subject or that there is some problem in putting the bill into printable form.

Be that as it may, I am very pleased to take this opportunity to discuss Bill C-303, an act to amend the British North America Act, 1867. It concerns the tenure of senators. I am pleased to be able to discuss it for two reasons. First, I have my own ideas on reform of the Senate. Second, I think it is particularly appropriate at this time, when discussions are taking place amongst senators about their particular responsibilities and about the part they will play in the passage of the constitutional proposals, to bring it forward for discussion at this time. Later in my speech I will discuss the problems of clause 44 in the constitutional proposal, as the senators see it.

I would like to start with the bill itself. Bill C-303 states:

1. Section 29 of the *British North America Act, 1867* is repealed and the following substituted therefor:

"29. (1) A senator shall hold his place in the Senate until the day of the general election next following his completion of ten years as senator.

(2) Where the application of subsection (1) would result at any time in a greater number of vacancies than thirty-four, the senators beyond that number who have the least seniority shall not vacate their seats but shall be deemed, for the purposes of this section, to have been summoned to the senate exactly ten years prior to the day of the general election."

I shall read from the explanatory note, if I may, for the record:

The purpose of this change in the British North America Act is to limit the tenure of senators to a period not exceeding 15 years.

The purpose in bringing this bill forward for discussion is to allow everyone an opportunity to discuss not only the reform of the Senate but the responsibilities of the Senate and senators. I looked at the list of bills which are on the Order Paper and was surprised to find there are only five other bills which deal with the Senate, apart from my own. There are the standard two in the name of the hon. member for Winnipeg North Centre (Mr. Knowles), one dealing, as he has in past sessions, with the elimination of the Senate entirely, and the other dealing with financial interests. I notice that another member of his party has two bills on the order paper which, by their titles, are probably intended to accomplish the same purpose.

Apart from those four bills there is one other bill on the Order Paper, No. C-304, put forward by the hon. member for Halifax West (Mr. Crosby). It deals with the elimination of sittings on Mondays, both for the House of Commons and the Senate. I suspect his motivation is directed more toward the House of Commons. So, there has not been any great interest—at least there does not appear to be from the business on the Order Paper—amongst members of Parliament about doing very much about the Senate. This means, I think, that they are probably relatively satisfied with what is done—or it might be contended what is not done—in the Senate.

Over the years, an enormous amount has been written on the subject of the place of the Senate in our parliamentary system. I have been reviewing some of this material. I note, for

### *Tenure of Senators*

example, in a report to the Senate of Canada on certain aspects of the Canadian constitution made in November, 1980, the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs, the Hon. H. Carl Goldenberg, Q.C., in that report says:

—a second chamber is needed—

This, of course, is the opinion of senators themselves.

—a second chamber is needed not as a mere replica of the House of Commons but as a complement to provide "sober, second thought", and to do what the House of Commons cannot do efficiently . . . the Senate's role should be to revise legislation, to conduct investigations on specific matters of public interest, to reflect regional aspirations and to protect linguistic, minority and individual rights.

—it is preferable to have an appointed rather than an elected Senate.

The report goes on:

—an appointed Senate would be in a better position to accomplish the complementary and largely advisory roles it should have in our democratic and parliamentary system where the House of Commons should be the supreme legislative authority.

I think there is some significance to that last passage. The senators themselves recognize the House of Commons as the supreme legislative authority. The report goes on:

It would be less partisan and more independent; it would have greater continuity and more expertise—

That is, of course, on the basis of appointments.

It is argued that an appointed Senate lacks credibility and legitimacy. We submit that a Senate elected by proportional representation, with the complementary roles and the limited powers that a second chamber should have, would suffer from the same defects and would accomplish its specific mission less efficiently.

The report goes on to suggest appointments for a ten-year term and that the legislative power of the Senate should be limited to that of a suspensive veto.

I was happy to read that into the record. I would like to add that the Hon. Carl Goldenberg is my own senator. He is the senator who represents that region of Quebec which can loosely be described as the west island of Montreal and west to the border of Ontario. I say this very sincerely, I am very proud that a man of the character, competence and calibre of Mr. Goldenberg is in our Senate. Quite honestly, I believe we have several senators of that standing and this is not intended to be any sort of criticism of the rest of the senators. There have often been suggestions that a relatively small percentage of our senators carry the load. Be that as it may, I do not think that suggestion changes very much, since one can make the same comment about the House of Commons.

I would like to comment on a couple of remarks which have been made in connection with the Senate. There was a very interesting article written by a Mr. Edward McWhinney from which I would like to quote:

If the present Canadian federal Senate is to be reformed, let it be a bona fide reform, and this excludes . . . a provincial patronage-appointed Senate. If we are to retain a federal Senate, then let its members be directly elected, possibly on a proportional representation basis within provincial boundaries, and for a specified and limited term of years.

A duration of two successive terms of the House of Commons—which could be as long as eight years or else very much shorter if the House of Commons should be dissolved prematurely—seems reasonable—