

The transition to an elected Senate

The reforms just described are desirable in themselves, and they should help to ease the transition to the elected Senate that we are recommending—one in which senators would have a good measure of independence of party and whose primary function would be regional representation. The nine-year term, the suspensive veto procedure, the review of subordinate legislation, the election of a Speaker, the activity of investigative committees, and the establishment of cross-party regional caucuses should all contribute to the achievement of these longer-range objectives.

Some reforms would have to be deferred until senators are elected, either because they are more appropriate for an elected Senate, or because they would require the use of the general constitutional amending procedure and could not therefore be implemented quickly. These include a redistribution of what will be a larger number of Senate seats among Canada's provinces and territories, the introduction of a double majority voting procedure for bills of linguistic significance, Senate confirmation of certain federal appointments, the election by the Senate of its own house leaders, and an arrangement to give the Senate control over its own budget.

One important issue remains. How should elected senators replace the senators who have already been appointed until age 75 or for life, and how should the government discharge its obligation to those senators who have to retire?

The constitutional commitment by the government to those senators appointed for life or until age 75 is undisputed. Clearly, any senator who is obliged to resign before the end of his or her term is entitled to appropriate compensation. If, under a phasing-in arrangement, a question arises as to which senators are retired first, every effort should be made to take account of the preferences of individual senators, and the same terms should apply to all.

With regard to the transition to an elected Senate, there are, broadly speaking, two alternatives. All appointed senators could be retired together; or elected senators could be phased in, in three groups, with the result that, for a period of six years, appointed senators and elected senators would serve together.

Under the first alternative, all appointed senators would be retired together, with appropriate pension arrangements. Senate elections would be held in all constituencies to return a full complement of elected senators; but one-third of the initial group of senators from each province would serve for three years, one-third for six years, and one-third for nine years. There would be a special arrangement for the territories, where the number of Senate seats would not be divisible by three.

Under the second alternative, only one-third of the senators for each province would be elected at the first senatorial election. The choice of which constituencies would elect senators at the first, second and third Senate elections would be made by the body entrusted with drawing the constituency boundaries. A sufficient number of appointed senators would be retired, or vacancies would be left unfilled, to make way for the elected senators who would assume office at each election.