

But the Supreme Court stated: We are not the only ones who must protect rights in Canada, so must the legislator as well. That is what we did and what we are doing.

Personally, I have not opted from one specific solution. I am not saying that either an elected Senate or an appointed Senate will solve all our problems, but one thing is clear: we must reform the Senate. If we decide to make it an elected Senate, we will have to adapt it to our needs, and the same applies if we keep an appointed Senate. It will have to be adapted as well.

I was thinking that as a Chamber of sober second thought, in the words of Macdonald and Cartier, perhaps it should be our role, since the courts ask us to do so, to look after minority rights and the rights of the individual, and see to it that the constitutional rights of men and women of this country are well protected in our legislation. If we are looking for a role for the Senate, perhaps that would be the most admirable one we could find. It would consist in improving the laws passed by the House of Commons and making our country freer, more democratic and more law-abiding.

I think we can do this whether the Senate is elected or appointed. We can. If the Senate is elected, the problem is obviously that it should not become a mirror image of the House of Commons. I think that would be the wrong route to take. Why have two Chambers doing exactly the same thing?

And then I wonder whether the Senate shouldn't be a Chamber of legislative advisors who have a certain expertise and who improve our laws. Isn't that what we should do? I think that is the direction we should take.

Now as I was saying, personally I have not decided one way or another because according to Meech Lake, the Senate is the first reform on the agenda. We have agreed to talk about this right away so that we can tell the Western provinces that we are serious about the Accord. We are prepared to discuss Senate reform right away and we are prepared to be flexible. My point in speaking today is simply to say: Yes, let's talk about it, let's take a good look at Alberta's proposal and the proposals of the Maritime provinces and the Western provinces that are aimed at achieving broad representation in the Senate. Let's think about the role of the Senate in the Canada of tomorrow.

At this point, I believe we have a duty to broaden our horizons and say: Let's take a long, hard look at the advantages of an appointed Senate and an elected Senate. Neither option is without drawbacks. Both have their advantages and disadvantages. It will take several months to reach considered decision.

On motion of Senator Petten, debate adjourned.

● (1640)

[English]

### MEECH LAKE CONSTITUTIONAL ACCORD AND CANADIAN CHARTER OF RIGHTS AND FREEDOMS

DEBATE CONTINUED

On the Order:

[Senator Beaudoin.]

Resuming the debate on the inquiry of the Honourable Senator Beaudoin calling the attention of the Senate to the Meech Lake Constitutional Accord and to the *Canadian Charter of Rights and Freedoms*.—(Honourable Senator Nurgitz).

**Hon. Henry D. Hicks:** Honourable senators, yesterday Senator Nurgitz informally agreed that he would yield to me and allow me to speak this afternoon. He is not in the chamber now so he is in no position to dispute that. May I continue?

**Senator Doody:** He is sitting behind you.

**Senator Nurgitz:** As always, Senator Hicks, I am behind you. I will gladly yield.

**Senator Hicks:** Honourable senators, there are a few observations I wish to make about the Meech Lake Accord. I do not think it is necessary for me to attempt to express in any detail or extensively my views about the Meech Lake Accord, because I am substantially in agreement with the position Senator Frith took at an earlier stage in this debate. I believe he said most of the things that I would have said, with one exception—I did not place, and do not now place, as much emphasis on the sections of the Meech Lake Accord that assign to Quebec the characteristics of a distinct society.

● (1650)

It seems to me that the province of Quebec and its people are, by their very existence, a distinct society. Personally, I should not have thought it necessary, or even desirable, to write that distinctness into our Constitution, but I recognize its existence and if it pleases some people to have it written into the Constitution, while I would not have done so myself, I can live with that.

No. My concern about the Meech Lake Accord is something quite different: my concern is with the many aspects of this proposed constitutional change that have the effect of devolving power which now resides in the federal government on to the governments of the provinces of Canada. Even though I started my own political career as a provincial politician, and was in the Government of Nova Scotia in the days of the late Honourable Angus L. Macdonald, who tended, the older he grew, to become more and more antagonistic toward the government at Ottawa, I did not adopt that view. Indeed, had the late Angus L. Macdonald lived another two or three years and persisted in the attitude that I saw him developing towards the Government of Canada, I suspect that he and I would have to have had a more serious confrontation about it.

In any event, I have for some time believed—and this belief was inculcated in me before I became a federal politician, if one can call a senator a federal politician—that Canada needs a stronger central government and does not need stronger provincial governments. Hence, I am unhappy about the aspects of the Meech Lake Accord that would have the effect of taking effective power away from the federal government and placing it in the hands of the provinces.

The unanimity requirement for amendment, of course, is the most obvious example of this, and the other provisions of opting out with compensation, the notwithstanding option