

*Tenure of Senators*

● (1720)

On April 4, 1984, the Hon. Member introduced Bill C-231 which is now before us. It proposes that all future Senate appointments be for a single nine-year term and that all existing appointments be subject to a nine-year term or retirement at age 75, whichever occurs first. The Bill's explanatory notes show that there is some similarity between the proposal before us today and one of the recommendations in the recent report of the special joint committee. I would suggest that in order to assess the merit of Bill C-231, we need to look first at the work of the special joint committee, for its work has influenced public debate on Senate reform and, arguably, accounts partially for the nature of the constitutional amendment which is now before us as proposed in this Bill.

The Special Joint Committee on Senate Reform was established by a motion of both Houses of Parliament in December 1982. The most important part of its mandate was the following:

To consider and report on ways by which the Senate of Canada could be reformed in order to strengthen its role in representing people from all regions of Canada and to enhance the authority of Parliament to speak and act on behalf of Canadians in all parts of the country.

The committee began to hold public meetings in Ottawa in May, 1983. By the end of June, it had already heard from a large number of academics, interested groups, Members of both Houses and others. During the committee's first round of hearings, the Minister of Justice (Mr. MacGuigan) appeared as a witness and presented a discussion paper on Senate reform on behalf of the Government of Canada. That paper did not put forward a detailed government position on Senate reform. However, it contained a number of significant statements that revealed both the Government's interest in Senate reform and some of its general inclinations on the relevant options. I would like to refer to a couple of those statements this afternoon.

First, it seems clear that the Government saw the launching of the special joint committee as the beginning of a second phase of constitutional renewal. In its introduction, the Government's discussion paper referred to the three steps in constitutional reform that had been suggested in 1968 in Mr. Pearson's paper entitled "Federalism for the Future". The discussion paper stated that with the patriation of our Constitution and the adoption of the Charter of Rights and Freedoms, the first stage had been largely completed. The paper then went on to say:

The Government of Canada believes that it is now time to begin the second: to strengthen the national institutions of Government, beginning with the Senate of Canada, the chamber of Parliament in which Canadians were intended to be represented on the basis of regions, rather than strictly on the basis of population. In due course, we will then be able to take the third step on the path of renewal, for which the Royal Commission on the Economic Union and Development Prospects for Canada is already preparing the ground.

I believe that those words in the introduction to the discussion paper on Senate reform are worthy of note. In my view they illustrate this Government's interest in the reform of our national institutions and its belief in the importance of Senate reform in particular.

It seems clear to me from reading the discussion paper that the Government hoped the committee would give particular attention to the Senate's role in regional representation. The paper defined the regional representation role of second Chambers in federal states as "the representation of the regions or the constituent political units on a basis other than representation by population". The Government's particular interest in improvements in the Senate's regional representation role was stated at another point in the paper, and I quote:

Although there are a variety of potential functions for the Senate, the Government of Canada believes that, if the second chamber of the Canadian Parliament is to help us respond to the challenges facing our country and make a contribution similar to second chambers in other federations, the role which needs the most attention at this time is the role of regional representation. Yet the strengthening of regional representation in the Senate should be undertaken, if at all, for the purpose of strengthening Parliament too, and enhancing its authority to act on behalf of Canadians in all parts of the country.

The Government's discussion paper also noted that substantial provincial agreement under the amending formula would be required before major reform of the other place could occur. The paper specifically stated that "before such changes can be made, the federal and the provincial governments will have to discuss Senate reform and reach a sufficient measure of agreement". However, parliamentary consideration was to precede intergovernmental discussions. In the words of the discussion paper, Parliament would first "consider its own reform and reach conclusions about the best means of strengthening its role as the primary focus of our political life as a nation".

I thought it might be helpful to remind Hon. Members of some of the views the Government of Canada submitted to the committee last June. I think they give us an idea of the Government's reasons for encouraging parliamentary and public debate on Senate reform during the past year.

The special joint committee resumed its work in September, and between then and the end of October it visited all provincial and territorial capitals. It heard witnesses and held meetings with members of six provincial Governments. Although it had invited all provincial Governments to speak to the committee, the other four chose not to do so. Nevertheless, the committee should be congratulated on its decision to consult closely with provincial Governments. Those Governments will have a major influence on the course of Senate reform. It is in the public interest that their views be part of that process at this stage.

The committee deliberated during the last two months of 1983, and on January 31, 1984 it tabled its report. I would add a comment on the support behind that report. Committee members of the two major Parties and both this and the other House endorsed it. It thus bears the stamp of a bipartisan, bicameral consensus within that committee. That is a significant achievement, especially when one considers that the report proposes a bold, clear-cut plan for Senate reform. That bold plan is centered on the committee's most important conclusion, which is found on page 1 of its report to Parliament, and I quote: