

of citizens. Although both houses would have the same powers with respect to subordinate legislation, the Senate, being more independent of the executive, would be more likely to use them. When an elected Senate is established with a suspensive veto, its power to disallow regulations should also be suspensive.

A number of witnesses told us that the Senate could perform a particularly useful role in reviewing subordinate legislation. We are also advised that the Australian Senate has had considerable success in doing this. We concur with the recommendations of the Standing Joint Committee and of the Lamontagne Committee, for the reasons they advanced. As to the reasons advanced by the Lamontagne Committee, we recognize that the Charter of Rights and Freedoms has since been entrenched in the Constitution, but we imagine that from time to time subordinate legislation is likely to contain measures that escape the ambit of the Charter but impinge unnecessarily on the rights of average Canadians.

Internal organization of the Senate

By virtue of the *Constitution Act, 1867* the Speaker of the Senate is selected by the Governor General. It would be more in keeping with a Senate that enjoys some measure of independence for senators to elect their Speaker. This would be consistent with our proposal for an elected Senate. We therefore recommend that the Speaker be elected and that Parliament pass the necessary constitutional amendment to permit this.

It would help to improve the present and future functioning of the Senate, and to prepare it for the changes that will come with election, if senators were given forthwith, both in Ottawa and their home provinces, services and staff comparable to those available to members of the House of Commons.

We have already noted that the Senate's standing and special committees perform a valuable and necessary role in Parliament. Aside from their legislative review function, in recent years they have investigated significant social and economic issues. The Senate should continue to make extensive use of its investigatory power, and it should be assured of the necessary funds for this purpose. If the Senate were to investigate matters that provoke inter-regional controversy, that would be both useful and appropriate for a body whose principal future role should, in our view, be regional representation.

A number of witnesses pointed out that Senate investigative committees could often assume tasks given to royal commissions and other bodies, at less cost and with the additional benefit that standing committees can follow up on the implementation of their recommendations. We urge that consideration be given to using Senate committees wherever possible.

Some witnesses who advocated the establishment in the Senate of cross-party caucuses for each province and territory argued that there was no reason to wait until an elected Senate is put in place. It is our view that attendance of senators at such caucuses would not be inconsistent with their continued participation in traditional party caucuses.