

The Constitution

point out that the Parliament Act of 1911 of the United Kingdom has an interesting sentence in its preamble which states:

And whereas it is intended to substitute for the House of Lords as it at present exists a second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation.

It was on the basis of that preamble that the Government of the day was able to convince the House of Lords and, indeed, Parliament, to pass the Act. That was some 74 years ago. The preamble states that it was the Government's intention to bring in a popularly-elected second Chamber. As we all know, the Lords of the United Kingdom are still created by Her Majesty on the advice of her Government.

Thus, I say to our provincial Premiers: "Don't be duped, fooled, cajoled and inveigled into this type of resolution on the basis of a future constitutional conference in 1987. The people of Great Britain have been waiting for 74 years". I have even less confidence in our Government than I would in the Government of the United Kingdom in 1911.

As a reminder to the House and to you, Mr. Speaker, I wish to point out that Ministers call you a constitutional expert. I am happy to second that particular compliment. Constitutional change is slow and difficult, as it should be. It will only come about if there is a concerted effort and a political will to bring about change among all participants—in this case, the federal and provincial Governments.

The constitutional amendment before us, like the Parliament Act of 1911, would limit Senate consideration of a money Bill to 30 days. Frankly, we do not see any objection to that. However, the authority to decide what constitutes a money Bill will lie on your shoulders, Mr. Speaker. You will be asked as Speaker of the House to sign a certificate indicating that a particular piece of legislation is, in fact, a money Bill. Your decision—and the Minister confirms this—will be conclusive and beyond challenge, either here, in the other place or before the courts. Your fiat will be clear anywhere and anytime with respect to the definition of a money Bill.

I do not question your wisdom, Sir, in any way. However, it is too much of an imposition to put upon a Speaker. In the United Kingdom, a money Bill must be absolutely pure. That is to say, no other matter can be tacked on to that Bill. We know from our close relationship with the United States that money Bills in the House of Representatives and the Senate in that country have all sorts of amendments tacked on to them. That practice is growing under our parliamentary system. However, in the United Kingdom, under the Parliament Act of 1911, no other matter can be tacked on. No related non-money provisions, such as changes to the machinery of collection, and so on, can be tacked on. I venture to say that your decision, Mr. Speaker, can be enormously difficult if it is left to you and you alone. The British legislation anticipated just that. It provides that the Speaker shall consult with:

—two Members to be appointed from the Chairman's Council at the beginning of each session by the Committee of Selection—

—before deciding if a particular piece of legislation is a money Bill or not. In other words, the Parliament of the United

Kingdom buttresses the decision of your colleague, Mr. Speaker, the Speaker of Westminster, with the supplementary advice that he has to consult and form a committee to decide on what is a money Bill and what is not.

The resolution before us does not contain that important provision. Unlike the British Bill, the amendment being sought by the Government would also impose a 45-day limit on all other Bills, Bills which are not money Bills. In other words, if it is a money Bill, the Senate can have it for only 30 days. Then, it is automatically sent for Royal Assent. If it is a Bill which proposes to do something else, then the Senate can have it for only 45 days, after which time it is given Royal Assent. It may be very difficult to decide whether or not a Bill is a money Bill. Under the British legislation, the House of Lords can delay almost all non-money Bills for slightly over one year. I wish to recite for the House how that provision works.

If a Bill other than a money Bill, or a Bill to extend the duration of a Parliament, which has been passed by the House of Commons twice in successive sessions and sent up to the Lords at least one month before the end of the session, is not passed by the Lords without amendment, then that Bill may be presented for Royal Assent. However, one year must have elapsed between the second reading of the Bill in the first of the two sessions and the third reading of the Bill in the second session. In other words, the delay for the review of that Bill by public opinion and by both Houses is just over a year.

The resolution before us limits that process of Senate consideration of any money Bill to only 45 days—not a year, not 180 days. That is, quite simply, the abolition of the Senate as we know it. It is the abolition of any constructive role that the Senate might have in amending or improving legislation.

Throughout its history the Senate has provided very valuable amendments to certain pieces of legislation. Over the years it has helped us improve hundreds of Bills with amendments. In 1975, for example, it proposed 139 amendments to the bankruptcy Bill. Those amendments were so all embracing and conclusive that the Government of the day withdrew the Bill and reintroduced it reflecting those amendments. In 1977, the Senate proposed some 80 amendments to the Maritime Code Bill, a new code of maritime law in this country. In 1983, a Senate committee rewrote a large part of the Canadian security intelligence Bill.

● (1430)

There is nothing extraordinary about the Senate's proposing amendments to Bills that have been passed by this House. Sir John A. Macdonald wanted a House of sober second thought, a difficult metaphor for him to have proposed, but in any event he wanted the Senate to have the opportunity to review legislation.

In addition, and the Minister recognizes this, Senators have provided very valuable committee work on the matters of aging, science and technology, poverty, pensions, the Income Tax Act, agriculture and so on. If this constitutional amendment is agreed to by the House, there will be no time for the Senate to fulfil its role adequately or to fulfil its constitutional