

*Senate Reform*

Indeed, where was the collective voice of the Senate during the constitutional drama in regard to protecting provincial interests such as that of Quebec? Its voice was barely a whisper. Indeed, it gave up its constitutional veto with barely a whimper. A suspensive veto was appropriate, but surely not for all possible constitutional change. Surely the Fathers of Confederation set up the Senate to protect minority rights such as Quebec's language and cultural rights in a vast sea of language and cultural homogenization. Surely the Senate should have retained a narrow selective veto over certain provincial and regional interests and rights.

Yes, the Senate must be reformed—but how? In my view, Bill C-640 shows the way—a compromise between two extremes, if approval by Parliament and seven Provinces having 50 per cent of the population of Canada is to be a reality.

What are the two extremes? The first is the provincial view and that is to scrap the existing Senate and replace it with a totally provincially appointed Senate, completely subservient to provincial Governments and their interests. Such is the fundamental basis of the Ontario proposal from 1978, British Columbia's 1978 proposal, the Quebec Beige Paper proposal of 1980, the Alberta Government's proposal of 1982, and even the Pepin-Robarts 1979 proposal. This extreme is simply not acceptable to the Canadian Parliament. In my view it never will be.

The other extreme is a fully elected Senate on a regional or provincial basis. Such an elected Senate would be powerful, overshadowing and compromising the authority and influence of Premiers, provincial Governments and legislatures in federal provincial relations and bargaining. Indeed, such an elected Senate would seriously compromise the fundamental authority of the House of Commons itself. Such an elected Senate is becoming increasingly popular with proponents such as Senators Roblin, Manning and Frith and Gordon Robertson, the former Clerk of the Privy Council.

A fully elected Senate at this time is an emotional illusion. It is not a practical reality at this time. The Provinces will never accept this extreme, nor will the House of Commons. An elected Senate can only be accomplished step by step, not in one leap. Such is the essence of Bill C-640. The Bill, through the introduction of the reconfirmation principle, is a possible step by step process to a fully elected Senate on a provincial and regional basis.

What then is the reality, the direction, or solution to reform? Death of the Senate through atrophy is one solution, and it will surely be the reality soon if reform is not forthcoming. It would not be particularly difficult for a new Government in Ottawa to find agreement with seven Provinces having 50 per cent of the Canadian population to scrap the Senate, especially now that it has been reduced to a suspensive veto on constitutional change.

Is there a solution which would retain the Senate? Yes there is, and it is a compromise between the two extremes I just mentioned—a compromise acceptable to the Provinces, to the federal Government and to the people of Canada. It was just such a compromise or middle ground proposal that I put

together in Bill C-640. The Senate has all the powers that it needs. What it requires is structural reform.

The key is to have a Senate of two parts—one part being provincially appointed Senators, and the other part being federally appointed Senators on a regional basis. But the structure must meet the needs for legitimacy, independence and stability. Bill C-640 does meet these needs.

To represent both the regional and provincial interests in Parliament a reformed Senate must have provincially appointed and/or elected Senators and regionally appointed and/or elected Senators. The ratio of provincial Senators to regional Senators in a restructured Senate is fundamental. In Bill C-640, this ratio is one-third provincial and two-thirds regional or federal. Some argue that this ratio should be 50-50 as in Bill C-60 or 60-40 in favour of the Provinces.

Bill C-640 recognizes five regions in Canada with each being assigned 30 Senators, mainly because the Atlantic region now has 30 Senators, for a total structure of 150 Senators. The five regions are the Atlantic, Quebec, Ontario, Central and Pacific. Of the 30 Senators in each region, each Province would appoint five to maintain equality of provincial status, and the difference would be regional Senators appointed by a Standing Committee of the House of Commons, not solely by the Prime Minister. Under Bill C-640 the Atlantic region would have 20 provincial Senators and 10 regional or federally appointed Senators. Quebec and Ontario would each have 5 provincial Senators and 25 regional, federally appointed Senators. The Central region would have 15 provincial and 15 regional Senators, and the Pacific region would have 10 provincial and 20 regional Senators.

Each Senator would be appointed for a six-year term and at the end of the term would have to seek reconfirmation or election by the people to continue in a second or third term.

Equality of provincial status in regard to provincial appointments is desirable but idealistic and has been discarded by all the provincial proposals. Indeed, provincial senatorial appointments in all provincial proposals are weighted according to population. Alberta's proposal of five population weighted categories is reasonable. There are other reasonable proposals. Therefore Bill C-640 can be altered effectively to incorporate the Alberta proposal.

● (1440)

The Atlantic region would, therefore, have 16 federally appointed Senators and 14 provincially appointed Senators. In other words, of the provincial Senators, Prince Edward Island would have two; Newfoundland, four; New Brunswick, four; Nova Scotia, four; and the rest would be regionally federally appointed Senators. The Quebec and Ontario regions would have 20 federally appointed Senators and 10 provincially appointed Senators. The Central region would have 12 federally appointed Senators and 18 provincially appointed Senators. The Pacific region would have 20 federal and 10 provincial appointments, and that is eight for British Columbia and two for the Yukon. The over-all Senate with this variation in Bill