

Hon. Gérald-A. Beaudoin: Honorable senators, the Special Joint Committee of the Senate and the House of Commons on a Renewed Canada tabled its report on February 28, 1992. This all-party committee made up of 30 members began its work on September 25. It has received 3 000 brief and 2 000 letters, heard 700 witnesses and held 78 public hearings which lasted 227 hours.

The committee had the honour to meet provincial Premiers, Bob Rae, Joe Ghiz, Clyde Wells, Frank McKenna, Don Cameron, Roy Romanow, Gary Filmon and some hon. members, government members as well as the hon. André Ouellet from the steering committee, were able to have private discussions with Premier Robert Bourassa. Committee members heard the comments and conclusions of several provincial committees on the Constitution.

I congratulate every member of our parliamentary committee, made up of 17 Tories, 10 Liberals and 3 New-Democrats, for the enormous task they have accomplished. With your permission I should like to mention the work carried out by how Senators MacEachen, Barootes, Teed, Stollery, Oliver, Hays, Meighen, Beaulieu and De Bané. I also thank other senators who have come and help us from time to time. The working pace was extremely fast and hard to keep. A parliamentary committee never had to study in such depth and with so little time both the Canadian federal system and the parliamentary system of government.

The report of this parliamentary committee tabled on February 28, 1992 is 90 per cent unanimous. The three significant differences had to do with the Senate powers and two other main topic concerning the distribution of powers: culture and regional development; the other differences are rather minor.

Let us briefly analyse the ten major items of the report.

● (1700)

[English]

1: The Senate. A product of British parliamentary tradition, our Senate, like the House of Lords on which it is modelled, is not elected. For decades, and especially for the last two, the Canadian Senate has been the subject of many proposals for reform. Our parliamentary committee could have advocated the German form of upper chamber, as did the Pepin-Robarts Committee in 1979, or a form used in another federation.

The committee could have suggested the abolition of the Senate. To do that, however, would have required unanimity, and a number of provinces wish to keep the Senate so that they can have a say in one of the central institutions of the country. We therefore suggested to Parliament and its members that senators be elected, as the government suggests in its proposals dated September 24, 1991. Since a strong movement within Canada wants a Senate that is elected on a proportional basis and for a fixed term, as we noticed at the Calgary constitutional conference, we recommended that senators be directly elected according to the principle of proportional representation for a fixed six-year term.

The House of Commons will have the last word: the government will not be responsible to the Senate, the Senate will not

be a confidence chamber, nor will it have ministers; the Senate's veto is a suspensive one in every case: six months in principle and 30 days for the supply bills.

After lengthy discussions, we finally recommended a Senate that is equitable, not equal. We have taken into account what we have heard in our hearings and in the conferences. This Senate may have 109 or 154 Senators as proposed by the majority: Ontario and Québec having each 20 per cent or around that, the West 40 per cent—the same proportion as if the Senate were egalitarian—and finally the Atlantic provinces 20 per cent. A double majority is provided for in the case of bills related to language or culture.

We retained a Senate that is part of a parliamentary system, not a presidential one as the American one. At his press conference on March 3, 1992, Premier Bourassa opposed a presidential style of Senate and, we think, rightly so.

It goes without saying that this newly-proposed Senate will play an important role in reaching the final constitutional agreement. Quite clearly, it will be part of the ultimate compromise.

The Liberal members of our Committee, dissenting, proposed a Senate with an absolute veto except in the case of supply bills; the Senate's veto would then be suspensive only for supply bills.

[Translation]

2) Aboriginal Peoples

The parliamentary committee recommends the entrenchment in the Constitution of the inherent right of aboriginal peoples to self-government. The legislative powers of this government will be established through negotiations between the federal, provincial and territorial governments and aboriginal peoples. Aboriginal rights continue to be justiciable immediately. Equality between native men and women is stipulated since the Canadian Charter of Rights and Freedoms would apply to natives. The parliamentary committee has not yet defined the term "self-government". That remains to be done.

I want to say here that a conference on aboriginal matters was held in Ottawa last weekend (March 13 to 15) and many questions were dealt with, such as equality between native men and women, the Canadian Charter of Rights and Freedoms, a charter of rights written by natives themselves, the inherent right of aboriginal peoples to self-government and aboriginal rights.

The last few days, the honourable Brian Dickson, a former Chief Justice, gave a description of what inherent rights could be. He mentioned that certain laws must apply to aboriginal peoples, such as the Criminal Code and the Canadian Charter of rights and freedoms, in order to prevent legal chaos, and that native self-government must realistically take many forms and not only one: treaties, special powers, constitutional guaranties.

We saw last weekend that the four leaders of aboriginal nations have a place at the negotiating table, and there is a lot