

Senate Reform

Australia as preferential voting, in single Member constituencies. Each adult citizen is a voter and any person eligible to sit in the House of Representatives can seek election to the Senate.

● (1710)

If the place of a Senator becomes vacant before the expiry of his term, the Houses of Parliament of the state concerned may in joint session elect a person to fill the vacancy for the remainder of the term. If the state Parliament is not in session, the State Governor may, with the consent of the state executive, appoint a person who can retain the place until the expiration of 14 days after the beginning of the next session of the Parliament of the state, or until the election of a successor, whichever first happens.

After the adoption of proportional representation in 1949, it became conventional practice that Senate vacancies be filled by Members of the same Party as their predecessor. A significant exception to this tradition occurred in 1975 when the New South Wales and Queensland anti-Labour Governments elected non-Labour representatives to fill Labour vacancies. Not such a bad idea. In any case, this turn of events contributed to the crisis of November 21, 1975. However, as the result of the 1977 amendment, the Constitution now requires the observance of the former practice.

Has the Australian Senate fulfilled initial expectations? As with any question such as this it depends on who you ask. There is considerable controversy there on the value of the Senate. The object was to allow the states to be represented for the purpose of protecting their constitutional rights against attempted federal invasions, and to give them every facility for the advocacy of their particular special interests. However, the democratic method of election of Senators has prevented state particularism from becoming all important at the time of election. Elections to the Senate have been fought on a Party basis and the national Parties have not adopted narrow state programs.

The national character of each Party has been evident in its election manifesto and actual working. The fact, however, that Senators are elected from state-wide electorates by the same voters as for the House, and that Senate candidates are selected from Party lists, give the respective Party machines significant control over the fortunes of individual Senate candidates. Members elected on Party tickets and Party discipline dominates the Chamber. Even though elected, therefore, the Australian Senate also suffers from the charge that it fails to be responsive to the public at large. Individual state Governments, rather than the Senate, now act as the principal advocates for their regions. To that extent, it is very similar to our experience. Our Senate was originally designed to protect the interests of individual provinces but in our system of federal-provincial co-operation we see that role being taken over by the provincial Premiers.

There are good reasons why we would not want to move toward the elected experience. I think it is the experience of many of us who have sat in Parliament that things already move too slow. This Parliament does not move quickly enough to solve some of the problems Canadians face. I can only suggest that an elected Senate would compound the problems we are facing. One has only to look at the situation in the U.S. and its different levels of Government. It takes years, and sometimes it is impossible, to move legislation through the three different levels of Government. Why? Because each party believes, being democratically elected, they have the right to have input on every piece of legislation. Regardless of the merits of the American system, it moves very slowly so I would have great difficulty with an elected Chamber.

The situation this Government faces is very clear. Whatever mandate the Senate has, it is very slim. There are many people in my constituency who believe if there is any reform, it should be very simple: Abolish the Senate. This is the democratically-elected Chamber here, this is where the decisions affecting all Canadians should be made, not down the hall in the Senate. When I go home to my constituents and they ask why we do not have a refugee law in place I tell them the truth. I say that the problem is down there with a bunch of individuals who are not elected and not responsible to anyone but themselves. They are the ones who are holding up a proper common sense approach to refugee determination.

Some Hon. Members: Hear, hear!

Mr. Nicholson (Niagara Falls): That is where the blame lies. I can only worry when we say we should give more power, more legitimacy to that Chamber. I can only reflect on the experience of the last three years and say this is something which I believe, with all due respect to the Hon. Member, should be rejected by this House.

Ms. Pauline Jewett (New Westminster—Coquitlam): Mr. Speaker, while I wanted to get up and say that I would like to be able to agree with my friend from Calgary North, I cannot agree with him and also with my friend from Niagara Falls at the same time. My inclination is to agree with literally every word he said. It almost makes it unnecessary for me to speak at all.

Some Hon. Members: Go ahead.

Ms. Jewett: All right. I wanted to elaborate on a few points he made.

The experience in Australia is perhaps the most relevant. It is certainly true that the Australian Upper Chamber has not been primarily a place for regional interests to be heard. In fact, the Chamber is based on Party lines, as it should be in a democracy. It is within the political Parties themselves that we should find regional interests being expressed and dealt with. Indeed, in a two or more Party system it should primarily be through the Party system that we realize all our concerns, and certainly our regional concerns. If a Party fails to deal with the