

Government Orders

the Constitution directly, indirectly or even hint at it, but everything else appears to be on the table.

Since we are talking about the Constitution today, I will use this opportunity to discuss some of our concerns on the Constitution. I am sure some of my colleagues will do the same. I want specifically to discuss our position on the Senate and on some of the reforms that could be made to the Senate, particularly outside of the constitutional context.

Of course, the House is well aware that our party supports a triple-E Senate. We believe the Senate should be elected, it should be fully effective, it should have full veto powers over legislation, and it should be equal. It should have equal representation from every province.

This particular amendment attempts to update the Constitution, to recognize that things are different today from what they may have been in 1873. To substitute a bridge for a ferry seems reasonable. Why not then recognize that certain political and institutional realities are very different today from what they were in 1867?

To recall our constitutional history, in 1867 the Fathers of Confederation established a parliamentary system consistent with the political theory of their time. That was the political theory dominant in the 18th and 19th centuries, a very different kind of theory from what we have today. They established a Parliament that would have three parts: the crown, and in particular two effective legislative chambers, the Senate and the House of Commons.

This model was common and still is common in most of the world, particularly the anglo-American world. The United Kingdom has the House of Lords and the House of Commons. The United States has the Senate and the House of Representatives. Even in our own provinces at that time we generally had two legislative chambers. We had the legislative councils and the legislative assemblies. In all provinces the upper house has now disappeared, although traces of it remain in Prince Edward Island.

• (1055)

An effective upper house in 1867 was one that was not elected. That is very different from the view we have today, a very different theory of representation, a very different theory of government. I will not get into that at great length.

Suffice it to say that an upper house had several features in Canada and elsewhere. In particular the principal historic function of an upper house had been to represent the propertied classes. Under section 23 of the Constitution Act, 1867 there were important and the very high property qualifications for the time of \$4,000 for membership in the Senate.

There were also other important functions the Senate of Canada was designed to fulfil. It would be a chamber of sober second thought. In other words it would fulfil the function of checks and balances seen in many constitutional arrangements, not just in Canada but in other countries. Sober second thought was the term used. As I pointed out to some audiences the use of the term sober was probably not entirely accidental during the time of our founding prime minister.

In that regard the Senate had important characteristics that reflected that function. Generally speaking it could not originate bills, certainly not money bills; they came and still do come from this Chamber. As a chamber of sober second thought the appointments were lifetime. People were selected. A very different kind of person was expected to sit in the Senate from those sitting in the Commons. We find that under section 29 of the Constitution Act, 1867.

A third function of our Senate originated in recent history in the United States. That is the protection of the partners in the federation and their role in the federation.

Certainly the Constitution of 1867 did not establish an equal Senate. I concede that. However it also certainly did not, explicitly did not, establish a Senate based on representation by population. It established a Senate where there would be three regions or what are called divisions under section 22. At the time that was a very good reflection of the regional balance of power within the country. The provinces of Ontario and Quebec which had been recreated by Confederation were constituted as regions and the two maritime provinces together were constituted as a region.

Consistent with the theory that the Senate was not elected, unlike the United States the members were not appointed by provincial governments but were appointed by the cabinet, the executive. The cabinet or executive in that era was expected to be much more diverse in a partisan sense than we see today, much more diverse in a regional sense, and much more diverse in the sense of personality and importance of the various senior ministers.

The original Senate was selected by a government in which party lines were not as clear as they are today. The government itself was constituted of people of different political persuasions and the Senate was picked in much the same way. That practice has of course changed a great deal.

The Senate was intended to be and was a highly effective body in political terms. It had full legislative powers which remain in the Constitution Act today. It had real power in cabinet and in the legislative process. Five out of 13 or 30 per cent of the original cabinet ministers were senators. Today it is one out of 30. It would shock many Canadians to learn today that two of our prime ministers came from the Senate. They held their prime