

Senate Reform

been elected. If the members of the upper House are also elected, they thereby acquire a measure of moral and political authority which could prompt them to challenge the authority of the lower House and thus make a conflict between the two Houses more likely. Moreover, the upper House needs to be something different in kind from the lower House, and not a pale reflection of it.

I am sure that most Canadians will agree with this assessment of the value of an elected upper chamber equal in power to and which would become a rival of the House of Commons. Fundamental to this discussion is the question: What should an upper House do? Since this matter is being discussed in relation to Canada it will be assumed that it would not be desirable to set up a body equal in power to and which would become a rival of the House of Commons.

Theoretically, the Canadian Senate shares equal power with the House of Commons except in respect of financial legislation, since these powers have never been curtailed by statute as have those of the British House of Lords. The relatively passive role which the Senate plays in the legislative process today has resulted from its own prudence and its acceptance of the fact that power should lie with those who have been directly elected by the people. Former Senator Ross MacDonald, presently holding the position of Lieutenant Governor of Ontario, speaking at the time of the change of government in 1957 when he was leader of the opposition in the Senate, said:

The overriding responsibility of the Senate is to make the constitution work—The Canadian constitution, like all constitutions based on the British tradition of parliamentary government, is a finely-tuned and delicately-balanced instrument. Accordingly, we do not propose to assert our legal rights and prerogatives to the prejudice of common sense or reason, or to the sacrifice of the proper functioning of our constitutional machinery—The Senate was expected by the Fathers of Confederation to act responsibly at all times, and I am confident that it will continue to do so in the new Parliament. We should not—automatically resist every government measure which comes before us. To do so purely out of party considerations would be to hamper any effective government of our nation.

Mr. Speaker: Order, please. I regret very much to interrupt the hon. member for Fort William (Mr. Badanai), but his time has expired.

Some hon. Members: Continue.

Mr. Speaker: Has the hon. member leave to continue his remarks for a few moments?

Some hon. Members: Agreed.

Mr. Badanai: I thank hon. members for their indulgence. I shall shorten my speech and take only a few more minutes. The thought to bear in mind is that the abolition of the Senate would not strengthen the House of Commons. On the contrary, it would tend to add to the authority of the establishment, the cabinet and the top officials of the civil service. Thus, the abolition of the Senate would end by losing the scrutiny of the parliamentary system as we know it. In the Senate today sits a man who at one time was leader of the CCF, forerunner of the NDP, whom I heard speak in this chamber on more than one occasion in favour of the abolition of the

[Mr. Badanai.]

Senate but who, speaking in the other place, as reported in the Senate proceedings of March 17, 1970, said:

Although a committee of the House of Commons in 1969 recommended a Commons Committee on statutory instruments, the motion before the Senate seems to be the government's response to the important recommendations of that committee. The honourable leader—hon. Mr. Martin—was careful to point out that he was not making that assertion. However, it would seem to be quite logical that his action should flow from the recommendation of the House of Commons committee. The Senate will be undertaking the very important work of this committee.

The government leader presented this motion to the Senate in a very eloquent manner, and I think once again he has demonstrated, in his capacity as leader of the government in the Senate, that he is determined to give the kind of leadership that will result in important activity being undertaken at all times by this chamber. With this kind of leadership the Senate will make a valuable contribution and will be an enduring part of the Canadian Parliament.

This member, far from being opposed to the value of the Senate has become one of its champions. It is worth noting that most of the countries of the world which one would regard as democratic have two chambers. In the Commonwealth these include Canada, Great Britain, Australia, India, Ceylon, Malaysia, Jamaica, Trinidad and Tobago, Barbados, Bahamas, British Honduras and Bermuda. Outside the Commonwealth they include the United States of America, France, Western Germany, Italy, Belgium, Holland, Switzerland, Norway, Iceland, the Irish Republic and Japan.

Mr. Speaker, I submit that a second chamber can relieve the pressure of work on the lower House, which in these days of intense governmental activity easily tends to become overburdened. It can act as a house of review and thus provide a brake on hasty or ill-considered legislation. It can secure for the country the services of men and women who may be unable or unwilling to engage in the political campaign necessitated by an election. It can check any tendency on the part of the lower House to abuse its power. It can represent interests not otherwise represented in the lower House. In short, in a federal state it can safeguard the interests of the component parts of the federation.

Mr. G. H. Aiken (Parry Sound-Muskoka): Mr. Speaker, I have just a few remarks to make on this motion. My colleague from St. John's East (Mr. McGrath) also intends to make a few remarks in view of the fact that for some time he was employed in the Senate. But neither of us will make a long speech.

I feel it is something of an insult to the Senate that a committee of the House of Commons should be set up to investigate its activities and usefulness. If there has to be a committee at all, I think it would be much more reasonable if we were to propose the setting up of a joint committee. The two Houses are part of the legislative process of Parliament. In spite of the fact that we occupy different parts of the building, we do work in concert on many joint committees which points up the fact that there is a mutuality of interest.

● (4:50 p.m.)

I am quite sure that members of the other place are well aware of the shortcomings within the Senate and