

Tenure of Senators

without recourse to the general procedure for amendment requiring provincial approval.

Concurrently with the passage of this Bill, it can be expected that Parliament will pass legislation to adjust the statute law relating to the retiring and severance allowances of Senators.

I recognize fully that the current problems facing the nation are economic in scope and priority. Nevertheless, there is a larger problem facing Canadians that must be seriously and urgently addressed. That is the need for the reform of our federal institutions, and Senate reform tops the list.

The speech given by the Prime Minister (Mr. Trudeau) on March 30, 1984, at the colloquium organized by Laval University students concerning reform of federal institutions is well worth reading as reference is made there to the need for Senate reform.

On this matter of Senate reform we must ask ourselves two questions. The first question is, why has Senate reform been pursued with such vigour over the last dozen years? Second, why have we failed so miserably in effecting any meaningful reform whatsoever?

Permit me to try to answer these two questions from my own perspective. First, the reason Senate reform has been pursued so vigorously over 12 years is that Canadians in general and we in Parliament have realized that the Senate has lost its relevance. It has neither legitimacy nor accountability nor independence and it has doubtful authority. It sure has continuity. Longevity and stability.

There is an increasing public revulsion against any institution giving lifetime tenure without accountability to anyone in our society. There is a revulsion against handing out guaranteed tenure of 30 to 40 years because of political friendship or political compatibility. There is no sense of fairness, no sense of justice, not even a sense of propriety to such overwhelming patronage.

Canadians are saying that political patronage is acceptable but it must have limits and not be abused. An increasing number of Canadians are becoming committed to Senate abolition if meaningful reform is not soon effected. I am against abolition.

In 1972, a special joint committee of the Commons and the Senate co-chaired by Senator Molgat and the then Minister of Justice extensively studied Senate reform and put forth a proposal. In January of this year, another joint committee chaired by the same Senator Molgat and the Hon. Member for York-Scarborough (Mr. Cosgrove) issued another report after extensive hearings. How greatly the two reports differed! They are as different as night and day. What a revelation occurred in a mere 12 years!

In the interval between these two special joint committees we had the following studies and reports: the federal Government Bill C-60; the Ontario Government proposal; the B.C. Government proposal; the Pepin-Robarts Council of the Federation proposal; the Quebec Government proposal; the Senate 1980 proposal; the Alberta Government proposal; and the eighth was my own proposal, Private Member's Bill C-640. All the nine previous proposals prior to the present one recognized and advocated the need for direct provincial involvement in the senatorial selection process.

Why has this matter of Senate reform been pursued so vigorously and yet no action has occurred? It is downright irresponsible, though a significant effort was made by the federal Government with its Bill C-60 in 1978. The 1972 special joint committee chaired by Senator Molgat and the Minister of Justice recommended an appointed Senate of 130 Members, with one-half appointed federally and one-half appointed from provincially supplied lists. They were to be lifetime appointments with mandatory retirement at age 70.

The western provincial representations were doubled to 12 for each of the four western provinces. The Yukon and Northwest Territories representation was also doubled from one to two each, increasing the total from 104 to 130 Senators.

Twelve years later a special joint committee, co-chaired by Senator Molgat and the Member for York-Scarborough, recommended an elected Senate, expanding the size from 104 to 144 Senators. It also recommended a doubling of the Members from each of the four western provinces, with an additional increase of 12 Senators for the four Atlantic provinces and an increase of four for the Yukon and the Northwest Territories. All Senators in this most recent proposal would be elected for non-renewable terms of nine years.

Almost unanimously, the recommendations were for: one, the election of Senators to provide legitimacy and accountability; two, a nine-year non-renewable senatorial term to provide independence and a more frequent turnover to increase effectiveness and remove the deadwood; three, equal regional representation from what might be considered the six regions of Canada, each with 24 Senators, for a total of 144 Senators. These six regions, as I see them, are the B.C.-Alberta region, or the Mountain region; the Saskatchewan-Manitoba region, or the Prairie region; the Ontario region; the Quebec region; the Nova Scotia-New Brunswick region, or the Acadia region as I call it, and a supposedly complex, somewhat fanciful region composed of the Yukon, the Northwest Territories, Newfoundland and Prince Edward Island, having a total of 24 Senators altogether. I must conclude that the above distribution may be difficult for Ontario and Quebec to swallow. Of the above structural recommendations only the term of nine years can be effected constitutionally by Parliament. All other structural reform recommendations need the constitutional approval of seven provinces having at least 50 per cent of the Canadian population.

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In my view, Parliament should move immediately to introduce the nine-year term to provide more independence, more frequent turnover, and more effectiveness. This type of amendment, which is what Bill C-231 effectively accomplishes, is politically responsible and necessary. It is a giant first step in Senate reform. If a nine-year non-renewable term is desirable for an elected Senate, then surely it is even more desirable for an appointed Senate.