

homes and communities, if we all give them a helping hand, they will get all the support they need and deserve, and we will have helped to make a number of men and women happier and freer. Thank you.

On motion of Senator Marsden for Senator Lefebvre, debate adjourned.

● (1610)

SENATE REFORM

DEBATE CONTINUED

On the Order:

Resuming the debate on the inquiry of the Honourable Senator Gigantès calling the attention of the Senate to Senate reform.—(*Honourable Senator Beaudoin*).

Hon. Gérard-A. Beaudoin: Honourable senators, I listened very carefully to the remarks of Senator Gigantès on Senate reform last November. I should like to say a few words on this topic of utmost importance.

As a result of last November's First Ministers conference which dealt in part with the Meech Lake Accord, the debate on Senate reform began earlier than expected. But, of course, the firm and final decisions on launching the Senate reform process depend on the fate of the Meech Lake Accord. Should Meech Lake fail to rally unanimous support by June 23, 1990, Senate reform will no longer rate priority. But if we do have a second phase, the Senate will be the first item on the agenda. There has been mention of a conference to be held in Western Canada in November 1990.

When it comes to Senate reform, the issue has to be approached with openmindedness. We must not reject outright this or that solution right from the beginning. Each alternative must be carefully examined to stress both its advantages and its disadvantages.

Of course I am in favour of Senate reform. It is a must. The Canadian public is now showing interest in the issue.

My remarks are aimed at analysing what Senate reform involves in our constitutional system.

Today I have no intention of advocating of definite solution, for that would seem premature to me as long as the Meech Lake Accord has not been unanimously endorsed. Rather I should like to set the issue in its legal context.

[*English*]

In the fabric of the Canadian state the reform of one federal legislative house has important consequences for the other federal house and for the other institutions of the state. We have to be conscious of that fact.

The most profound reform is, of course, an elected Senate. Such a reform not only changes deeply the constitution of the Senate but also raises automatically the question of the powers of the Senate and of the House of Commons, and the interaction between our two legislative houses. It also has an influence on the Canadian cabinet of ministers. Finally, it concerns the federal-provincial relations and our frequent constitutional conferences of first ministers.

[*Translation*]

During the three constituent assemblies which preceded the advent of federalism in Canada and which were held in Charlottetown and Quebec City in 1864, and London in 1866, the Fathers of Confederation spent considerable time discussing the Senate, especially at the conference held in Quebec City.

They felt that a second house of mature reflection was necessary. Sir John A. Macdonald strongly insisted on the need for "a House of sober second thought". This second house was to be shaped along the line of the British model rather than the American model. Sir Georges-Étienne Cartier's speeches are quite clear on this. Therefore, they developed a constitution similar to that of the House of Lords in Westminster by adapting it to the Canadian reality.

From the start, the Senate was based on regional representation and was made up of Upper Canada and Lower Canada. Sir Georges-Étienne Cartier felt that the principle of "representation by population" should apply to the House of Commons, but that in the Upper House, Quebec would enjoy parity with Ontario and the Maritime Provinces would make up the third region. Later on, a fourth region was created, that of Western Canada, each region being entitled to 24 seats for a total of 96. When it joined Confederation in 1949, Newfoundland was awarded 6 seats. In 1975, the Northwest Territories and the Yukon were awarded one seat each. At present, the Senate is made up of 104 senators.

This Upper House's mandate was to represent regional interests. From the start, the Senate was not there to provide the provinces with equal representation. It is a historical fact which deserves to be emphasized. However, the Senate has not really fulfilled its mandate. It has become a sort of executive, a sort of *sui generis* institution which some like and others dislike. Whenever major constitutional conferences chaired by the Prime Minister of Canada are held, the various provincial premiers like to speak out on behalf of their respective provinces. They would not delegate easily the responsibility to senators, even elected ones.

The Senate is first and foremost a deliberative and legislative House. It is also an investigative House.

Save three exceptions, namely: votes of confidence under constitutional convention, bills for the appropriation of monies, under Section 53 of the Constitutional Act, 1867, and the suspensive veto on constitutional amendments under Section 47 of the Constitutional Act, 1982, the Senate enjoys the same powers as the House of Commons.

Canadian Parliament cannot unilaterally make major changes to the Senate's structures. Since 1982, this requires compliance with the provisions of the Constitutional Act, 1982.

In order to abolish the Senate, under Section 41(e) of the Constitutional Act, 1982, unanimous consent of the 11 jurisdictions is required, because this would amend the amending formula itself.