

Senate and House of Commons. The former rules concerning such Committees were left unchanged in the proposed new rules, since neither the Committee nor the Senate, acting unilaterally, could properly change them. It is nevertheless considered that the status and functioning of such Joint Committees should be studied jointly by the two Houses with a view to ensuring that any necessary changes are made. In addition, your Committee considers that there is much doubt existing as to the proper functioning of Special Joint Committees: there is no clear guide for example, as to the procedure to be followed by such Joint Committees, as to which House should bear the expenses incurred, or as to whether such expenses should be apportioned. A study of these matters could be undertaken as part of the joint study, recommended above, of the Standing Joint Committees.

19. Experience dictates that parliamentary reform should be undertaken only if wide public demand for it is in evidence. There is considerable evidence that there would be public support for Senate reform. Your committee recognizes that this situation is partly the result of lack of public knowledge and understanding of the responsibilities and performance of the Senate, but acknowledges that there is a substantial feeling among Senators themselves that change is as essential here as it is in life itself.

20. Having examined and discussed at length the root causes of its inability to render Senate procedures completely modern by changes to the rules; being fully convinced of the supreme importance of the parliamentary process in the conduct of national affairs in our democracy; being persuaded that a system devised 100 years ago and scarcely modified since is no longer adequate to cope with conditions of this age; and being of the opinion that the Senate can and should participate to a greater degree in the ever increasing load placed on Parliament, your Committee in making its report therefore recommends that the Senate instigate an examination of the constitution of the Senate with a view to recommending changes which would enable it to carry out more fully the purpose which was intended in making it one of the three essential parts of Parliament.

21. This could be accomplished by introducing for debate in the Senate a motion setting out the terms of reference of such a study, which if adopted could be carried out by the recently established Standing Committee on Legal and Constitutional Affairs. Such a debate, ranging over all aspects of the Consti-

tution with regard to the Senate, would be useful in developing recommendations which would meet with public approval and set the course for the Senate's second century.

22. In closing, the Chairman would like to record the interest, co-operation and diligence of the Law Clerk, the Chief Clerk of Committees, the Clerk of the Committee, the members of the Committee and its Legal Counsel, Mr. David Dehler. That it was able to complete its task in a reasonable time is due only to those qualities so cheerfully apparent during its intense activity over these last weeks.

All which is respectfully submitted.

H. de M. Molson,
Chairman.

APPENDIX "A"

SOME STATUTES AND OTHER MATTER RELATING TO THE SENATE

1. *British North America Act, 1867-1964.*
2. *Senate and House of Commons Act, R.S., c. 249.*
3. *Speaker of the Senate Act, R.S., c. 255.*
4. *Supreme Court Act, R.S., c. 259, s. 56.*
5. *Members of Parliament Retiring Allowances Act, R.S., c. 329.*
6. *Retirement of Members of the Senate Act, 1965, c. 4.*
7. *Criminal Code, e.g. sections on perjury in committees.*
8. *Interpretation Act, 1967-68, c. 7, section 19, Reports to Parliament; section 18, oaths in Senate or Commons.*
9. *Canadian Bill of Rights, 1960, c. 44, s. 3. Senate Bill examined by Minister of Justice for violations of Act.*
10. *War Measures Act, R.S., c. 288, s. 6, motion in Senate for repeal of proclamation of war, &c.*
11. *Publication of Statutes Act, R.S., c. 230. Sections re the Clerk of the Parliaments, distribution of statutes to senators, and payment for printing of private bills under Senate Rules.*
12. *Financial Administration Act, R.S., c. 116. Section 21 where Senate by resolution or rule authorizes refund; section 65(1) where Auditor General removable on address of Senate and Commons.*
13. *Representation Commissioner Act, 1963, c. 40. Sections 3 and 4. Appointed by Commons, removable on Senate and Commons address.*