

federal and provincial constitutions, fundamental rights and language rights. In any one of these areas it is important to recognize that the Senate could well play a very active and crucial role. Moreover, the constitutional conference envisages that the Senate would be involved at the very outset of the constitutional reform process.

Reference to the Senate by members of the NDP as an old-age home for the party faithful is a cynical statement which reflects the negative attitude of the hon. member's party in general toward an institution which is part and parcel of the government of Canada and performs a very useful duty. The hon. member who proposed the motion asks in effect: Why a second chamber? I wish to point out to the hon. member and to those who think like him that the second chamber relieves the pressure of work on the House of Commons which, in these days of intense governmental activity, becomes overburdened. As everyone knows, it acts as a reviewer of legislation, providing a brake on rash or ill-considered legislation.

Hon. members who were here in March of 1961 will remember that the government of the day imposed legislation giving the Minister of National Revenue the final decision with respect to tariff changes, without right of appeal. The resolutions read:

That goods be deemed to be of a class or kind not made or produced in Canada where similar goods made or produced in Canada are not offered for sale to the ordinary agencies of wholesale or retail distribution or are not offered to all purchasers on equal terms under like conditions—

In other words, the minister was to assume the dictatorial power to impose tariffs at his discretion, without giving the importer a chance to state his case. The then Minister of Finance suggested that it was a small resolution, but in reality it was one with big implications extending to the fundamental principle of parliamentary control over taxation, giving the Minister of National Revenue the power to decide, without any review or appeal. Needless to say we, the Liberal opposition at that time, fought tooth and nail against the measure in an effort to get the government to amend the resolution to provide reasonable protection against any arbitrary action by the minister. In summing up the case for the official opposition, Right Hon. Lester B. Pearson said:

We claim that the rule of law is involved in this resolution as an issue. It is not simply a matter of the preservation of the substance of parliamentary authority and rule. We will have nothing to do with the granting of powers vastly in excess of need. Supreme over any all powerful executive, in our view, must stand the authority of a free, sovereign and independent Parliament.

After days of debate the resolution came to a vote and the government, having 208 members against the Liberal 49 and the CCF's—forerunner of the NDP—eight members, it carried the day in the House, but not in the Senate where Liberals were in the majority. That body refused to approve the legislation and thus saved Canada from one of the crudest autocratic pieces of legislation ever put forward by a Canadian government.

**Some hon. Members:** Hear, hear!

### *Senate Reform*

**Mr. Badanai:** Had we not had an upper chamber an unpopular and undemocratic piece of legislation would have been written into our statute books. This is just an example that the Senate can check any tendency on the part of the House of Commons to abuse its power. It also safeguards the interests of the provinces, which was envisaged at the time of confederation.

The idea that the upper house is trying to take away the power of the Commons is absurd. As the load on Parliament grows to enormous proportions and the House of Commons can no longer cope with the demands on members, the Senate moves in to shoulder more of the burden. The investigation of such broad and urgent problems as those of the aged, poverty, science policy and the mass media are important examples of the work which the Senate has been able to perform through its committees' system. To abolish the Senate would remove a considerable potential for Parliament, all the more so in view of the pressures imposed upon the standing committees of the House of Commons.

Senator A. W. Roebuck, one of the brilliant minds of our upper House, once said:

In my opinion the strength of the Senate lies in the independence of its members. In our modern form of cabinet government, the Prime Minister and his ministerial colleagues have absorbed, first, the powers of the Crown, and second, many of the former functions of parliament. Parliament is still boss whenever it assumes that role, but ordinarily, and in the course of the multifarious details of government, the House of Commons is the pliant creature of the cabinet. So too the cabinet is the boss of the civil service, but more and more as the detail and complexity of government grows and multiplies, the cabinet becomes the instrument of the civil service.

But not so the Senate. The members of the upper chamber are not dependent on either the government or the civil service. Senators are not seeking promotion or anything else. They have nothing to hope for and nothing to fear. They are as secure in their positions as judges on the bench. The ever-increasing responsibilities of modern government, extending as they do into almost every sphere of public activity, serve as a good reminder of the need of a second chamber.

• (4:40 p.m.)

The House of Commons is always overburdened because of the vast amount of government business with which it has to deal. The criticism is sometimes heard that many matters of national importance receive scant attention. Without a Senate to relieve the pressure, many matters would receive even less attention, perhaps none at all. There is no doubt that the second chamber, properly utilized—and I am convinced that such is the case—helps to relieve the burden of work in this House.

As to the suggestion that the Senate should be an elected body, this view is not generally accepted. The Lord Chancellor of Great Britain, addressing the Commonwealth Speakers' Conference on September 9, 1969, said the following about this question:

The members of the elected house have a certain moral and political authority by reason of the very fact that they have