

What it meant, since none of us knows when he is going to die, is that to make sure Tories were replaced by Tories we would have to supply lists for every Tory in the Senate, whether he were in his 70s or in his 50s, whether he had two or twenty years to go.

I suggested that, in the case of death, the Leader of the Opposition in the House of Commons be given one month after the senator's death to come up with a list of possible replacements.

Senator McElman: Or give a guarantee not to die.

Senator Flynn: Of course, that would be a solution.

That suggestion was not considered worthy by the Prime Minister. His reply came in October of 1975 in the form of a curt one-paragraph letter from Senator Perrault, which said:

The Government has given careful consideration to the proposal regarding the appointment of Progressive Conservative senators to fill vacancies created in your ranks through death. At this time, the Government is not in a position to guarantee a minimum of seventeen Progressive Conservative senators or any other number. A system is proposed, however, by which Progressive Conservative senators who wish to resign can be assured of successors from Progressive Conservative ranks. In other words, the offer, at this time, applies to voluntary retirement.

So as of October 1975, the offer of replacement applied only to those who retired voluntarily and no longer to those who died in office, and the minimum of 17 was gone.

More recently, in January of this year, to be exact—the government leader made some public statements which gave rise to some question marks. In a Canadian Press article on January 19, 1977, the following paragraphs come at the end of the story:

Senator Perrault said the Government is willing to increase opposition representation in the Senate so that one-quarter to one-third are opposition members.

This would mean early appointment of perhaps six Conservatives to fill vacancies—but Opposition Leader Joe Clark has not suggested any names, he said.

Senator Perrault: That is a press report.

Senator Flynn: I agree. I do not say the press always reports correctly. I am just putting the facts on the record so as to clarify the situation as much as I can.

An article by Paul Jackson on Alberta Senate appointments, at about the same time, quotes an official of the Prime Minister's Office as saying:

While the Alberta situation may not quite fit into the guidelines suggested months ago by Mr. Trudeau, anyone can make a representation to the P.M. urging that a certain person be seriously considered for appointment to the Senate. Considering that Mr. Clark is from Alberta and that the vacancy has been there for almost six years, one can assume that the Prime Minister would very seriously consider a recommendation by Mr. Clark.

Let me start with Senator Perrault's statement about the government's desire to raise our number to between one-quarter and one-third of the Chamber. This is a completely new approach, bearing in mind the position taken in the 1975 correspondence, which said that the policy was only to replace Conservative senators who retire voluntarily. Then the government leader was quite clear that the Prime Minister had no intention of raising our number but only maintaining it, and only if vacancies did not occur as a result of death, a factor which is difficult to control, you will have to admit.

Let me deal with the statement by the official in the Prime Minister's Office referred to by Paul Jackson. The vacancy referred to had been created in 1971 by Senator Gladstone's resignation. There had been no question at that time of the submission of a list of names by the Leader of the Opposition. That requirement of presubmission of names only came about in 1975. But if the Prime Minister wanted lists of names for those Tory senators who voluntarily retired in 1971 and 1972 and who were never replaced, why did he not just ask for them?

More recently still, the leader of our party inquired of the Prime Minister if he had any intention of replacing Senator Fred Blois, who retired last October, with a Tory. The Prime Minister referred to the two conditions set down previously—voluntary retirement, a condition posed in 1970, and a presubmission of names before the resignation, a condition posed in 1975. There not having been a presubmission of names in the case of Senator Blois, even though it was a voluntary retirement, the Prime Minister apparently does not feel compelled to replace Senator Blois with a Tory. The fact is that there had been no presubmission of names in the case of Senator Welch. Yet he was replaced by Senator Ike Smith, and for that we are very grateful.

● (2110)

Hon. Senators: Hear, hear.

Senator Flynn: So, with all these apparent contradictions facing us, I decided to write anew to the government leader in the Senate. On March 2 of this year, I asked:

(a) Is it the P.M.'s intention to replace with P.C. supporters only those P.C. senators who retire voluntarily?

I asked this because of Senator Perrault's assertion in January of this year that the Prime Minister really wanted to raise opposition ranks to one-third of the Senate.

(b) What precisely is meant by voluntary retirement?

The term was first used by the Prime Minister in 1970. It suddenly dawned on me that perhaps the Prime Minister had his own very personal explanation of what the term meant. I had taken it for granted that it meant any retirement that was voluntary—that is, where one was not forced by law or by the angel of death to retire. As I see it, any senator appointed for life who retires does so voluntarily. But it could be argued that a life senator who retires at 75, because he has given notice that he would be retiring upon reaching that age, was not retiring voluntarily. On the other hand, a senator appointed until he reaches the age of 75, would retire voluntarily if he