

been put forth, about convening a constitutional conference, and about my own suggested plan of action.

I know there was a debate last Friday on a similar motion of my colleague. Some Hon. Members participated in that debate. It was certainly most enlightening in drawing out some of the significant issues respecting Senate reform. My motion carries on from that motion on Friday to the next step. It asks for a constitutional conference to provide an opportunity to discuss Senate reform with our colleagues from the provinces.

Why are we having this debate? Almost since its inception in 1867 there has been debate and some criticism of the Upper House. I guess our present day crisis with the Senate is not unusual. Recent criticism has been levelled specifically against the Senate for its finance committee's delay in referring Bill C-11, the Borrowing Authority Act, to the Upper Chamber for final approval.

Constitutionally the Senate is well within its right to delay such legislation while it revises and amends a Bill. However, that was not the case with Bill C-11. In that case the delay was not for the purpose of amending the Bill, because the Bill was eventually passed by the Senate without amendments. I think we can only be led to believe that the Senate committee's delay of Bill C-11 was for what appeared to be purely partisan reasons. The Liberal dominated Senate conducted a politically motivated campaign of destruction, frustrating the people's will, as the Bill was passed through the Commons with the unanimous consent of all three Parties. We all know the cost of those of kinds of tactics and the necessity of cancelling some bond issues. The Minister of Finance (Mr. Wilson) has advised us that something in the order of \$10 million was incurred as a result of that delay.

As a result of that effort and what appeared to be the partisanship of today's Senate, it attempted to exert its power over the Government which has an overwhelming mandate from the people of the nation. That was not the function which the Fathers of Confederation envisaged when provisions for an Upper Chamber were made in the British North America Act, 1867. It was clear in 1867—and I think it is clear today—that there was to be no equality between the two Chambers. Cabinet was to be responsible to the Commons, not to the Upper House. In the words of our first Prime Minister, Sir John Macdonald, the second assembly would “never set itself in opposition against the deliberate and understood wishes of the people”. I think we have seen some denial of that basic principle in the past month.

Essentially the Senate was designed to balance judicially the power of the Commons, based on the principles of popular representation, by safeguarding the legitimate interests of the people of the less populous provinces. Over a hundred years ago the Fathers of Confederation were suspicious of the virtues of unqualified democracy. It is interesting to note what George-Etienne Cartier called “a power of resistance to oppose the democratic element”. Therefore the Senate represented and was responsible for the protection of several minorities, the people of less populous provinces and the French or English-speaking people of Quebec.

The Senate

Since Confederation the regional role of the Senate has been less significant than anticipated in 1867. This has been due to a number of factors. Certainly the highly centralized set-up under the British North America Act, 1867, no longer exists and protection for the regions has been provided by other bodies such as the courts, the Cabinet and regional caucuses.

I think we are all very familiar with the dean of constitutional issues, the Hon. Eugene Forsey and the article he wrote about reform of the Canadian Senate. He pointed out its functions, and the third one envisaged in the early days was as follows:

To provide a “sober second thought” in legislation, a check on the “democracy” which the Fathers of Confederation mistrusted, a bulwark against “radical” legislation passed by a House of Commons swept by gusts of popular passion.

That is how they envisaged us acting over a hundred years ago. That really has not come to pass, either. Perhaps that role is no longer significant.

However, the Senate is responsible for the study and revision of government Bills in that it can simplify, clarify and take the time to study meticulously and to scrutinize Bills so as to ensure they meet the needs of Canadian society. The Senate is well equipped to handle this task, as it has a vast reservoir of talented and experienced members as well as the time to devote to comprehensive study of Bills.

The Senate also functions as an investigative body, delving into public questions which the Government may have neglected. Senate committees have been known to do this job very effectively and often at a fraction of the cost of royal commissions or task forces. I feel there is a role for the Senate, performed properly. It can be very effective in the refinement of legislation. That is perhaps the most important function of the Senate at present. Any proposal to reform the Senate must take this factor into consideration. Refining legislation takes experience which can only be gained through some form of continuity in dealing with various forms of legislative processes.

Recent examples of the work of the Senate in this respect have been its reports on poverty, unemployment, inflation, aging, land use, science policy, Indian affairs, trade relations with the United States and so forth. I believe the standing committees of the Senate, in addition to doing this very important work, have also introduced a fairly innovative approach in the pre-study of Bills. I think that is something which should certainly be encouraged.

However, as I mentioned before, there are concerns. Obviously there is a need for change. What are some of the options which have been put forward and about which we have heard in the last few months particularly? One was the proposal to abolish the Senate. This came up again yesterday. Personally I cannot support that. I really feel that the Senate has potential and is a safeguard. If it is working effectively it can perform a very important function. I am not of a mind to get rid of it, and I can support this by two reports—the Lamontagne report in 1980 and the Joint Committee Report on Senate Reform in 1984 which, after extensive hearings and consultations across the land, reached the same conclusion. I know some Hon.