

blesome trade-offs involved in readjusting all or part of the federal and provincial powers found in Sections 91 and 92 of the British North America Act. That is the area where fundamental constitutional change must be made, where a major restructuring of the Constitution is to be achieved.

Honourable senators, it is one thing to say that federal and provincial powers should be reallocated so that both can legislate in their own new spheres, but it is quite another thing to say that the provinces should actively participate in the federal legislative process. It is doubtful that Canada or Canadians would want a unitary state or even an approach to one. Canada is too diverse in too many ways for that kind of establishment. But it is consistent with the structure of a federal state that there should be an intergovernmental body which can influence the guidelines and the policies of all the governments in the federation. Such bodies should not have legislative authority. The federal-provincial conference can be made that kind of body. Stripped of the opportunity to provide periodic political posturing, its purpose should be to achieve a consensus and, above all, it must avoid the balkanization of the country.

I should like to say something now about appointments to the Senate, because throughout the history of our Confederation every Prime Minister has used as his first test of eligibility for a senatorship the matter of party allegiance. Lately that practice has been modified and there are now more members of this chamber who do not qualify on that ground than ever before. However, it is amazing how well the old system has delivered highly qualified men and women to the Senate. People who were summoned here developed expertise and, indeed, developed positions of authority for themselves in the many sectors of national life where Parliament intervenes. Prime Ministers, indeed, have had the good fortune and good sense to pick good people.

But I think there should be a new formula devised, in law or in convention, whereby, when an appointment is to be made, the Prime Minister, in consultation with the Leader of the Government in the Senate, should have as his primary consideration the requirement in the Senate, and especially in its committees, for persons with a capacity to perform the duties of the office. Committee work especially, as we all know, is becoming more demanding in energy and expertise as time progresses.

● (1610)

In my more than 25 years in this chamber, I have seen the number of people in the opposition benches dwindle, making the task of sustaining debate and manning the various committees most difficult for the members of the opposition, and particularly for its leader. Therefore, I hope we can develop a convention—or a provision in law, if necessary—whereby the Prime Minister of the day, when the numbers comprising the official opposition in the Senate fall below one-third of the total number of seats, can fill every second vacancy among government supporters from any province with a supporter of the official opposition. I think his choice might best be made from a panel of five names which the Leader of the Official

Opposition in the other place would be required to submit within 30 days of the occurrence of a vacancy. All appointments, I think, should be made within 90 days after the vacancy occurs.

I say the Prime Minister of the day should be required to fill every second vacancy in the seats allotted to a province in such manner because, political life being what it is, every Prime Minister is under pressure from his party in respect of Senate appointments, as well as many other types of appointments.

Honourable senators, I say nothing now about other changes which should be considered in connection with Senate reform—matters such as the length of tenure, the age of retirement, the right of the Senate to amend financial clauses of bills other than bills of appropriation, or even the need for increased representation from the four western provinces.

Thus far, I have dealt with four points: first, the recent decision of the Supreme Court of Canada on the reference; secondly, the role of the Senate as representing the regions of Canada; third, the retention by the federal authority of full control of appointments to federal parliamentary institutions; and, fourth, the problems presented by the inadequate representation of opposition party members on the opposition benches.

I should like to deal briefly with a fifth point; namely, the right of the Senate to amend bills, except, of course, appropriation bills, which come here from the House of Commons. I exclude bills of appropriation because, by tradition, the House of Commons has always held the power over, and responsibility for, the public purse, and that is as it should be.

May I first attempt to dissipate the legend of the horrible consequences of the Senate's veto. The veto power is commonly understood to mean the right of the Senate to defeat or refuse to act upon a bill passed by the other place. "Veto", in this case, means the rejection of a whole bill on the ground of principle or of politics, or both. "Veto", thus understood, is distinguished from the Senate's power to amend certain clauses of certain bills.

It is commonly put about that the Senate can reject any bill that comes before it; that the Senate can therefore frustrate the will of the elected representatives of the people; that the Senate is a sword of Damocles hanging over every legislative proposal of the House of Commons. I suppose, except for appropriation bills, technically, that is true. Literally, that may be true. But the threat is more imaginary than real. Senator Forsey, an acknowledged authority on the institutions of Parliament, has told us that in over 40 years the Senate has not rejected an entire bill, and is unlikely again to do so. The word "veto" is a bogey; it is misleading and unreal, in our time.

But the upper legislative chamber of a Parliament must have the power to amend bills if it is to have a valid legislative function. To deprive it of this power is to reduce it to the status of an impotent debating chamber. In our open society, we have no problems in providing for the exchange of views outside of Parliament—in meetings, study groups, the press and the media generally. But both houses of Parliament must