

## GOVERNMENT ORDERS

[English]

### THE CONSTITUTION

#### AMENDMENT RESPECTING POWERS OF SENATE

**Hon. John C. Crosbie (Minister of Justice and Attorney General of Canada)** moved:

That:

Whereas the Prime Minister of Canada is committed to convening before the end of 1987 a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces to consider proposals for the reform of the Senate;

And whereas it is expedient, at this time, that the powers of the Senate with respect to bills that are passed by the House of Commons be limited;

And whereas sections 38 and 42 of the Constitution Act, 1982 provide that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

Now therefore the House of Commons resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

#### SCHEDULE AMENDMENT TO THE CONSTITUTION OF CANADA

1. The Constitution Act, 1867 is amended by adding thereto, immediately after section 54 thereof, the following sections:

"54.1 (1) Where a money bill, having been passed by the House of Commons, is presented to the Senate at least thirty days before the end of the session but is not passed by the Senate without amendment within thirty days after it is presented, the bill shall, unless the House of Commons directs to the contrary, be presented to the Governor General for assent, whether or not Parliament is then in session, and when assented to shall have the same force and effect as if passed by the Senate.

(2) There shall be endorsed on every money bill when it is presented to the Senate and when it is presented to the Governor General for assent the certificate of the Speaker of the House of Commons signed by the Speaker that it is a money bill.

(3) A certificate of the Speaker of the House of Commons given under subsection (2) shall be conclusive for all purposes, and shall not be questioned in any court of law.

(4) In this section and section 54.2, "money bill" means a public bill that, in the opinion of the Speaker of the House of Commons, contains only provisions dealing with the following:

- (a) the imposition, repeal, remission, alteration or regulation of taxation;
- (b) the imposition for the payment of debt or other financial purposes of charges on the Consolidated Revenue Fund or on money provided by Parliament, or the variation or repeal of such charges;
- (c) supply;
- (d) the appropriation, receipt, custody or issue of public money;
- (e) the raising or guarantee of any loan or the repayment thereof; or
- (f) subordinate matters related to any of the matters set out in paragraphs (a) to (e).

54.2 (1) Where any bill, other than a money bill, having been passed by the House of Commons, is presented to the Senate at least forty-five days before the end of the session but is not passed by the Senate within forty-five days after it is presented, the bill shall, unless the House of Commons directs to the contrary, be presented to the Governor General for assent, whether or not Parliament is then in session, and when assented to shall have the same force and effect as if passed by the Senate.

### The Constitution

(2) Where any bill, other than a money bill, having been passed by the House of Commons and presented to the Senate, is passed with amendments by the Senate, and the House of Commons does not concur in the amendments within fifteen days after the bill is passed by the Senate, the bill, in the form in which it was presented to the Senate but with such amendments made by the Senate as are concurred in by the House of Commons, shall, unless the House of Commons directs to the contrary, be presented to the Governor General for assent, whether or not Parliament is then in session, and when assented to shall have the same force and effect as if passed by the Senate.

54.3 (1) In every bill presented to the Governor General under section 54.1 or 54.2, the words of enactment shall be amended by striking out any reference to the Senate.

(2) Any alteration of a bill to give effect to this section shall be deemed not to be an amendment of the bill.

54.4 Any law made pursuant to section 54.1 or 54.2 shall be deemed, for the purposes of any other provision of the Constitution of Canada, except Part V of the Constitution Act, 1982, to have been made by and with the advice and consent of the Senate and House of Commons.

54.5 For greater certainty, nothing in sections 54.1 to 54.4 shall be construed as amending Part V of the Constitution Act, 1982.

54.6 Nothing in sections 54.1 to 54.4 diminishes or qualifies the rights and privileges of the House of Commons."

2. The said Act is further amended by adding thereto the following heading and section:

#### "XII.—REFERENCES

148. A reference to this Act shall be deemed to include a reference to any amendments thereto."

#### CITATION

3. This Amendment may be cited as the Constitution Amendment, year of proclamation (Powers of Senate).

He said: Mr. Speaker, it is an honour to have the opportunity to move such an important resolution that will affect the Constitution of Canada in a very significant way if the resolution is adopted by this House and then adopted by the requisite number of provinces, which in this case would be seven provinces, having in excess of 51 per cent of the population of Canada. The resolution goes to the very heart of the parliamentary democratic system of Government.

The purpose of the resolution is to seek to ensure that the will of the people, as expressed through free elections and as represented in the House of Commons, which is where the people of Canada are represented in our electoral system, cannot be blocked, frustrated or undermined by the Senate. As you know, Mr. Speaker, the other place is a non-elected, appointed body which is appointed solely by the Government of Canada through the Privy Council and the Cabinet.

The resolution before the House has two main purposes. It would alter, through a constitutional amendment, the powers of the Senate and thus ensure that the Senate cannot exercise an absolute veto over Bills adopted by the House of Commons. At present, the Senate, the unelected part of the Houses of Parliament, can veto absolutely Bills that this House of Commons adopts. The resolution would commit the Government to convene a First Ministers' Conference before the end of 1987 so that the 11 First Ministers of Canada and their Governments could consider fully the options for the future of the