

Senate Reform

Mr. MacGuigan: Mr. Speaker, I think the hon. member for Winnipeg North was mistaken in one respect. Much in his address was worth while, but I think there was a certain misconception of the original and fundamental purpose of the Senate. He spoke of the fact that second chambers around the world are disappearing. That is true, of course, but it is not true that they are disappearing in federal systems. In federal systems the role of second chambers is as strong as ever. That, of course, is the principal justification for having a Senate in Canada. It is not merely for the sober second thought, the review by an upper house, with presumably more time and, some might claim, more ability to review the decisions of this House; the more important point is the fact that in the Senate we have representation by region—representation which can give acknowledgement to interests of various parts of the country that would not occur on a strictly representation-by-population basis.

The hon. member quoted Sir John A. Macdonald and his views on the origin of the Senate. I think it is worth-while putting on record the views of the famous Grit of that day, the Hon. George Brown. Speaking in the debates in the House of Assembly in 1865 after the resolutions that had their genesis in Charlottetown and which subsequently were approved in Quebec, he said:

The very essence of our compact is that the union shall be federal and not legislative. Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step—

I think it is clear in the viewpoint of George Brown—and it is the viewpoint of most historians today that this was one of the crucial steps toward confederation—that in the Upper House representation would be on the basis of region and that would give protection to the maritimes and to Quebec which would not otherwise be there.

Parenthetically, it is rather unusual for a federal union to have representation on the basis of a whole region. I believe in all the other federal systems where there are upper houses, which I think is about all of them, representation is on the basis of the constituent governmental unit; that is, on the basis of the province or state rather than on the basis of region. In Canada it is only in the case of Ontario and Quebec, and I believe Newfoundland, that we have representation on that basis; for other provinces it is a regional concept.

I think it is important to understand that our purpose in having a Senate is primarily that of protecting regional interests and not of reviewing legislation already adopted by this House. Occasionally it is true the Senate makes a real contribution to the legislation passed by this House by way of correcting it in matters of detail. For example, there may be revisions made by the Senate to one of our pieces of legislation which will be coming back to this House for reconsideration. I do not think anyone would deny that in matters of this kind the Senate can make a real contribution.

In wider investigations in recent years the Senate has also proved itself to be extremely valuable to our political system. As the hon. member for Winnipeg North mentioned, Senator Croll has been particularly prominent in leading several Senate committees to reports which have been of great value in the subject areas with which they

[Mr. Knowles (Winnipeg North Centre).]

dealt. Further, with respect to certain bills which have been introduced in this House and have not been introduced in the Senate, the Senate has held hearings at the same time as ours which have enabled them to proceed with the bill more quickly later, and, in the case of income tax legislation, they have been able to provide helpful suggestions. There are also cases where legislation which has not yet been introduced in this House has been introduced in the Senate, and as a result of Senate consideration it has been decided by the government that there are great areas of the act which should be changed. I think of matters like the new bankruptcy legislation where the Senate investigation last year proved so valuable to the government and to this House.

The Senate does, then, make a real contribution to the legislative process, but I think we would all regard it as intolerable if the Senate were to set itself up in an undemocratic fashion to try to determine by a second look what members of this House should be passing as legislation. After all, we are the people elected by the citizens of Canada—by those who have the right to vote in Canada—to determine what the policies and laws of this country should be. We could not accept any challenge from an appointed Senate on this point.

This accounts for the fact that in 1973 or 1974, when a change was made by the Senate to the wiretapping legislation passed by this House, legislation which was the result of a deliberate enactment of this House and not an oversight, when the Senate presumed to challenge that, even those of us who had been on the losing side of the vote in the House of Commons united to defeat the attempt of the Senate to change the will of this House as expressed by its elected representatives. I think all parties would agree this is not the kind of Senate we would like. We must approach any Senate reform with this in mind. I think it is not always understood by witnesses who appear before parliamentary committees and by those who would change the Senate system.

● (1730)

As a matter of fact, when the joint House and Senate Committee on the Constitution of Canada held hearings across this country we heard a good many witnesses in general, and in particular, on the Senate. I do not recall the exact number of witnesses who spoke on the Senate, but there were some 13,000 people at those meetings across Canada, and 1,486 witnesses on various questions dealing with the constitution. My recollection is that the Senate was one of the subjects most frequently treated by the witnesses who appeared before that committee.

Sometimes the proposals they made were proposals which would have strengthened the Senate as an opposing legislative body to this House and, therefore, would not have been acceptable to us as a means of reform. I would include in those suggestions the proposition that the upper House should become an elected House and, therefore, have a real elective power which would enable it to challenge the decisions of this House. It is true that in one federation, Australia, that is the way the system functions. Their upper House is elected as well as the lower House, but it is questionable if their system gains very much from that.