

As well, a number of additional powers have been suggested for the Senate, including the power to review and disallow international treaties, senior appointments to regulatory bodies, and subordinate legislation such as regulations passed by orders in council.

A number of witnesses also proposed that the Senate's role should complement rather than compete with the role of the House of Commons. On the other hand, a comparable number of witnesses argued that the Senate should constitute a check on the executive, which is based primarily in the House of Commons.

We have considered carefully all the functions that a reformed Senate might perform — the original ones, those it has acquired, and the new ones proposed — and we conclude that the principal role should be to represent the sometimes diverse interests of the people of Canada's provinces and territories. As in 1867, one important aspect of that role should be the representation of Canada's French-speaking minority. We have reached this conclusion because we are persuaded that in a country of the size and diversity of Canada there should be checks and balances built into the national legislature that will be a restraint on actions taken in the name of a majority of the population, as represented by the House of Commons.

We recognize that these diverse interests are in large measure the subject of provincial jurisdiction. Education is the foremost example. By international standards, the scope of provincial jurisdiction is wide, which raises the question of why special representation of such interests is needed in Parliament. The fact is that any modern federal legislature exercising its own jurisdiction necessarily engages in activities that give rise to reactions that vary from one province to another. In Canada, these activities include, for example, levying customs tariffs and regulating transcontinental railways and broadcasting. We believe that the Senate, with a distribution of seats different from that in the House of Commons, should give weighted representation in legislation on such matters to the interests of the less populous provinces, as was intended in 1867. We also agree with many witnesses that a special Senate voting procedure on linguistic matters should be established to give added protection for the French-speaking people of Canada. This, too, would help fulfil the intentions of 1867.

We reject the view that the principal, or even a secondary, function of the second chamber should be federal-provincial co-ordination. Such co-ordination is, we think, best left to the federal and provincial governments. We have more to say about this in Chapter 5, when we comment on proposals that the second chamber be composed of provincial government delegates acting under instructions.

In addition to the primary function of regional representation, which is one that could give rise to competition with the House of Commons, the Senate should continue to undertake two complementary functions: investigation and the improvement of legislation. We believe that other functions should be no more than incidental to the performance of these three.

Representation of national and provincial minorities should not be achieved by reserving for them a specified number of seats in the Senate; but this conclusion should be regarded as provisional with regard to one important group of national minorities,