

recognition of the First Ministers Conference. Very few now argue for a provincial role in federal legislation.

This Committee is unanimous in opposing the creation of a second chamber composed in whole or in part of delegates who would act under provincial government instructions. We feel that regional representation with respect to federal legislation should not be a function of provincial governments. A *Bundesrat* is appropriate for West Germany, where the provinces are heavily involved in administering federal legislation and have relatively little legislative and financial autonomy compared with Canadian provinces. In Canada, such an institution could lead to serious problems for Parliament and the federal system. We can see some merit in institutionalizing the First Ministers Conference, but take no position on it because it is outside our terms of reference.

### **Indirect election**

In 1978 the federal government proposed a system of indirect election in Bill C-60. It explained the reasons for its choice in the paper entitled *The House of the Federation*. The proposal was that half a province's senators should be elected by MPs, with the MPs from each federal party electing a number of senators in proportion to the popular vote received by the party in the province in the most recent federal election; the other half would be elected in a similar manner by the province's legislators, in proportion to the party vote in the most recent provincial election. The result would be that both federal and provincial parties would be represented in the new chamber, and the chances were that no single party would ever have a majority. Bill C-60 proposed that the new second chamber be given a suspensive veto.

It was argued that indirect election would achieve effective representation for the people of the provinces in a way that would not threaten the primacy of the Commons to the extent that direct election might. It was believed that because the chamber was not elected directly, it would not choose continually to frustrate government legislation with its suspensive veto.

The proposals in Bill C-60 received little public support at the time, and the Supreme Court later ruled that the most important of the proposed changes to the Senate could not be implemented by Parliament acting alone.

Only a very few witnesses favoured indirect election. Those who did generally advocated the Bill C-60 model, with minor variations. They believe that indirect election would be more politically effective than a reformed appointed Senate, less potentially dangerous than an elected Senate, and able to meet some of the objectives of a *Bundesrat*.

On the other hand, others argued that indirect election is more like appointment than election, and that senators would have little standing as regional representatives. As a result, indirect election would not add to the political authority of the Senate. It is not improbable that caucuses would choose friends or associates who might not be the best qualified people for the job.