

Retirement Age for Senators

Jennings entitled, "The Law and the Constitution"?

Mr. Knowles: I have read a good many portions of Ivor Jennings' book, and I think I know to what the hon. Member is referring, namely the extent to which the law of the country is built up by the work of civil servants every day. However, I would contend that precisely because of the great importance of the work of the civil service in the drafting of our statute law for us and in advising us, there is all the more reason that the ultimate say as to whether or not these things go through should be in the hands of the elected people. Has my friend another question?

Mr. Stewart: Would the hon. gentleman not agree that it is not simply a matter of drafting bills but a matter of drafting regulations, most of which are never even tabled in the House of Commons, and a matter also of propounding expositions of the law in the courts, which make up a very large part of the vast body of law under which we live?

Mr. Knowles: I would go even further. I would say that the whole process of administering the law has to be done or is done by people who, to a large extent, are appointed. The drafting of the law, the drafting of regulations, the administering of all these items and court decisions are all part of a process; but it is precisely because this process has become so complex, so extensive, that I think the basic principle that the final decision should be made by elected people has even more validity today than it had when this complex was not quite so extensive as it now is.

• (4:40 p.m.)

However, Mr. Speaker, it seems fairly obvious we are not going to win this argument in this particular debate. The reason I wanted to speak again was that I was anxious that at least we get the air clear on this one point. I say this in answer to the younger Member for Halifax (Mr. Regan) who told us about those ten good Senators from Nova Scotia. He did not tell us their ages, but there are ten, and so there is no place for him. I do not know why he pleads so hard when there is no vacancy in his province.

But surely the point can be made clear that our concern about the Senate does not arise because of any feeling of ill-will towards the Senators as individuals. It does not arise because we do not appreciate the contributions they can make. It arises be-

cause of our political philosophy, our belief that democracy should be run on the basis of the final decision being made by the elected people.

I thoroughly disagree with the suggestion made today by the hon. Member for Halifax that the Liberals should follow the Conservative line and put more Cabinet Ministers with portfolios in the other place. I do not know what he would do with the questions he gets answered at ten o'clock if a couple of Ministers were over there. At any rate, Mr. Speaker, I think a move in that direction is to move away from the whole concept of parliament's being a place where the final decisions are made, and therefore should consist only of those who are elected.

Some may say that this point of ours could be met if there were a second chamber that was elected. I would think that would be just a fifth wheel. We have enough difficulty at present resolving problems in this House, and enough difficulty resolving our problems between the federal and provincial levels. If we had a second House that was elected and had the same right to stand on its feet as we do, I think we would compound our troubles. In any event, we take the position that democracy would be more democratic in this country if all those who have the right to vote on our laws were elected. Because the Senate is a non-elected body we feel that instead of seeking to reform it, it should be abolished.

I believe another word should be said about this measure as a so-called measure of reform. Really, no one has risen in his place to contend that it is a measure of reform. Certainly anyone who has read the history of the Liberal Party for the last 45 or 46 years, and who thinks of the times Mackenzie King and others promised to reform the Senate, cannot support the view, after all those years, when all we get is a bill to provide that those appointed from now on will retire at 75, that this is a measure of reform.

Surely what my hon. friend from Nanaimo-Cowichan-The Islands (Mr. Cameron) said is correct, that this is just a delusion. The Government is trying to make the people of Canada think that something has been done to reform the Senate, that some first step has been taken. But it is precisely because we feel this measure is a delusion that we think it ought to be turned down.

Speaking of reform of the Senate, I would like to pose this question quite bluntly: I