

# *A Chamber for Provinces not Regions*

*Senator L. Norbert Thériault*

**I**want to give you my feeling about the Senate, feelings that have come to me over a number of years, but especially as a provincial politician, one who has served 10 years in government and 10 years in opposition. Like many of my colleagues now sitting in the Senate, I attended many federal provincial conferences as a minister of a provincial government. Irrespective of what party formed the government at the national level, I came out of these conferences feeling that it was almost impossible to obtain something that would benefit your province or region if you were not from Quebec or Ontario.

My participation to the federal provincial conferences convinced me that the word "region" which is so commonplace today in the political jargon of Canada was an invention of politicians from Quebec or Ontario. I still have that feeling now. We are not a country of regions. If this were the case, half of eastern Quebec would be with the Maritimes, the whole of the western provinces would be one region including probably northern Ontario. Labrador would not be a part of Newfoundland and northern Quebec would not be part of Quebec — these regions would be part of the Northern Territories.

As far as I am concerned, Canada is politically and constitutionally a country of *provinces* and not of *regions* because I realize when I travel across the country that there is as much difference between people living in Northern Ontario and people of Toronto, as there is between those of Prince Edward Island and those living in Victoria, British Columbia.

In our democratic society the people who are elected under our British parliamentary system are elected at constituency level, based on the population of each province. Therefore, it is an undeniable fact that the number of members elected to the House of Commons should be proportional to the number of citizens. As far as possible, all members of Parliament are elected by the same number of electors in every part of the country with some variations which I do not think can be avoided, and which are subject to change from time to time.

When I was in provincial politics, I can honestly tell you that I never gave much thought to the Senate. I saw it like most other Canadians see it today, I suppose — a place where very

knowledgeable and experienced people had time to think things over, do a lot of reading, and go over the legislation that is passed by the House of Commons.

I have been there for over four years now and I do not pretend I have been one of the greatest senators of all time. But I came to the conclusion, watching the Senate operate, that it does a very good job when it comes to legislation that is passed to it by the House of Commons. I think it is a necessary institution. However, I think the reputation of the Senate has suffered because, oftentimes towards the end of a session, the government passes two or three bills that might have lingered on in the House of Commons for months and months and months and just before closing time they send it on to the Senate and expect the Senate to pass it. Unless there is a state of emergency, legislation that is passed on to the Senate from the House of Commons should be passed to it without a fixed period of time before it is passed back.

I think it should be understood, though, that oftentimes as well the Senate has had a chance to pre-study the legislation and it is more appearance than anything else that the Senate passes it immediately.

Now, to come to my main theme, because in our system of government the House of Commons is the legislature with the powers, as it should be as long as the Senate is an appointed body, there is no reason why the number of senators making up the Senate should not be made up of an equal number from each province.

I know I am not the first one to say that. I suppose you are not going to get much support for that kind of suggestion from Ontario and Quebec, especially from Quebec at least which is what the scholars and professors are saying. But let us assume that the Senate is to be nominated, as it is now, by the Prime Minister — and there is not as much wrong with that, from my point of view, as a lot of people seem to think. What causes the problem is the fact that one party has dominated the House of Commons for so many years that the prime ministers of that party have appointed many more Liberal senators than have been appointed by other parties in the last fifty years.

I think there should be some clause preventing an overloading of senators from one party. I can easily imagine something in law that would say that after one party has more than, I do not know, 60% or 55% of the senators, then the senators appointed after that balance has been reached should be appointed, on suggestions or lists of names submitted by the Leader of the

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Opposition, or oppositions. If that had been the case, we probably would not have this problem that has turned the media so harshly on the Senate, calling us all political hacks and being appointed only because we were a friend of a given party, or supporters of a certain party, because I do not think it is necessarily true, in either case. People I have met or have known since I have been sitting in the Senate are mostly independent thinking and very able persons.

Let us come back to this other part of equal representation. I know those people who oppose it, use the example of Prince Edward Island because it has about 100,000 people. They say: 'how can you conceive of Prince Edward Island nominating 10 senators, and Ontario, with 8 million people, also nominating 10 senators'?

The Senate as envisaged by the fathers of Confederation, had a principal function; to represent areas or regions. In those days the involvement of government in our daily lives was very different than it is today. I am not sure if the fathers of Confederation of the maritime provinces would have accepted the kind of Senate we have today, had they known then we were going to get so many other western provinces and territories. Their power in the Senate is diminished by the fact that in 1867 we were one-third of the Senate and now we are only about one-fourth of the Senate.

I am sure that is one of the things that convinced former Premier Robichaud of New Brunswick to suggest there should maybe be a look again at the possibility of a union of the maritime provinces.

A commission was set up. I sat as a member of the committee from the legislature because I was then in opposition. We examined the Deutsch Commission report on that possible union of the maritime provinces and out of that grew the Council of Maritime Premiers, which in my humble opinion has come to be a social club of premiers of the Atlantic provinces and nothing much more. Right now it is convenient for them to get together and bash the federal government, because they happen to all be of one party.

When I look at the western alliances, the Western Premiers Conference, I think it is pretty well the same thing. I am not trying to be partisan on that, because if the roles were reversed, it would be exactly the same thing.

But what I found when I was in New Brunswick as a member of the legislature, and in Ottawa, too is that very seldom do you hear a member of the Senate from Nova Scotia, for instance, getting up with a great big defence of New Brunswick's interests or vice versa. Just look over the records and listen carefully for a few years and you will find out. Sometimes when I want to make a point on behalf of the Province of New Brunswick in the Senate, I will say the Atlantic provinces, the maritime provinces or the maritime region.

The fact is we are a country of provinces. Often, the views of Nova Scotia are as much different from the views of New Brunswick as those of Ontario or of Quebec. The prime example—and it is a vivid example right now—is the fact that it took about six or seven years before the Atlantic Maritime Council of Premiers and all the other bodies involved were able to get together and get Nova Scotia to participate in the building of a veterinary college in P.E.I.

So that shows you how much real resemblance there is between the Atlantic provinces.

My experience has been that there is much more cooperation and will to work together between Ontario and Quebec than between any other two provinces I know of in this country. Very seldom do I hear in the Senate somebody from Alberta getting up and talking about the Garrison project in the United States. I hear the Manitoba people talking about it in the Senate. I do not know about the House of Commons; but from the little I hear about the House of Commons, again it is the people from Manitoba talking about the Garrison, not the people from British Columbia or Ontario.

So I think we have to accept the fact that we are a country of provinces. As a matter of fact, the new Constitution makes that clear in that it takes a certain number of provinces representing a proportion of the population to amend the Constitution. When it comes to a federal-provincial conference, I have never heard the Prime Minister telling the Premier of P.E.I. he could not speak now because he only represented 100,000 people. He had his turn to speak there as well as the Premier of Ontario or Quebec.



L. Norbert Thérlault

For all these reasons and because it would not be anything out of the way or unusual, the major federations or countries of the world have senates or second houses appointed or elected based on their entities, their provinces, their states, their cantons or whatever they call their provinces. The best example, naturally, is the United States, where the State of Alaska, with about 400,000 people, elects two senators to Washington; and the State of California, with 26 or 27 million people, elects two senators.

If we had that kind of representation in the second house—I wonder if maybe those of us from the eastern end of the country and those of you from the western end of the country maybe would talk about Ottawa and the national capital as the people in Alaska talk about Washington, D.C., and accept their national government in the same manner.

Australia, under the British parliamentary system with an elected Senate, has the same number of senators from each state. There as well, although the difference is not quite as great as in the United States, nevertheless there is New South Wales with 5 million people and Tasmania with 400,000 people; and they both elect 10 senators. Switzerland has cantons with 1.2 million people. They send two delegates to the *Conseil des états*; and another canton with 60,000 people sends the same number.

The Canada West Foundation has suggested something almost similar or not quite similar. I can understand that, because western Canada was growing and is still growing pretty fast and probably would not want the Maritimes to have the same number of senators as they would want from western Canada. They would like to dominate now, I suppose, because they are getting rich and powerful. But I believe that is not the purpose of the Senate. Nevertheless, they have written about it, and I think they are making a good case.

It may well be that the Senate power should be limited to a power of suspension or for six months or whatever time could be arrived at, especially if it were a Senate of equal representation from provinces. Even without that, I personally feel very strongly about people having more power when they get it directly from the people than those of us who are appointed. Therefore, my feelings would not be hurt at all if at some time all the powers of the Senate were powers of suspension and not powers of veto.

Many of the people in the Senate are writers and scholars and people who have a lot of experience, much more than me. I go by instinct. I have always had a feel for people, for what they are, what they think, what their dreams and hopes are; and we in the Atlantic provinces, from my point of view — although we have been less vocal, much less vocal than western Canada — oftentimes feel as far removed from the decision-making in Ottawa as you do in western Canada. I suppose it is historically true that in the Atlantic provinces we are mostly the product of loyal Loyalists who for a long time felt, and some of them still feel, that because we are

operating under a British system of Parliament that no matter what happened it had to be good because it came from there. And it is the truth; a lot of people feel that way and it is not all that bad.

The Atlantic provinces have traditionally elected only we Liberals and Conservatives; and honestly my feeling is that we have been electing people who are real party people who follow the party line, which oftentimes, I think, has cost the Atlantic region greatly. Although I am not critical of political parties, per se, I think this region has suffered for that reason.

Finally I want to tell you what my feeling is about election or appointment to the Senate. I have no strong feelings about it, but personally I like elections. I have gone through a few of them and I would not mind going through a few more right now. I think there is something to be said for an elected Senate.

I think the one who has come closest to my feeling on the subject-matter is Gordon Robertson in a paper he presented to Laval University in 1983. While he does not accept equal representation by provinces, his views on how the Senate should be operating and how it should be elected I can accept very easily. It is simply that half of the senators should be elected at each federal election; that is, a senator would be elected for two terms.

Of course, if there is any hope whatsoever of anyone accepting the basic principle of equal representation by province, then you would have to have something in the Senate that would protect the rights of the French-speaking people, and especially Quebec. What Gordon Robertson says there, and I commend this to all of you, is that in fact there has to be double majority in the Senate when it comes to linguistic and cultural rights. Such matters would have to be approved by not only the majority of the Senate but the majority of the French-speaking people in the Senate, and the same way around if it came to English-speaking rights in Quebec or any other place. If this was done, then Quebec could not ask to be any different than any of the other provinces. It is different simply because it is the home of the French-speaking culture, and it must remain that way.