
A Second Chamber, Not a Secondary One

Hon. Guy Charbonneau

Let me begin with the two most frequently asked questions. First, does the Senate serve a useful purpose? Second, what duties do Senators perform?

The Senate is the second legislative chamber. Any bill of a *non-financial* nature may emanate from the Senate, however, virtually all bills sponsored by ministers are tabled initially in the House of Commons and are then referred to the Senate which examines, amends, polishes or rejects them. This particular phase of activity does not take place primarily in the Chamber itself. The real discussions take place in the committee rooms among Senators and expert witnesses. These are serious and low key, a far cry from the electoral rhetoric and speeches of some partisans.

Until the late sixties, the Senate reworked approximately twenty percent of the bills emanating from the House of Commons. In many cases, radical amendments were brought in. Since 1971, the procedure has been refined somewhat and the role of the Senate has changed considerably. Paradoxically, this change is inversely proportional to the quality of the image projected by the institution. Now as soon as a minister tables a major bill in the House of Commons, we receive a copy of it. We refer the bill immediately to one of our standing committees which proceeds to examine it. Some committee members are already experts on the subject being examined but, not content to rely solely on their innate knowledge, they call upon outside experts to testify and therefore gain a greater understanding of the bill's various components. After conducting these rather in-depth reviews, the committees are in a position to propose substantial amendments to the sponsoring ministers *while the bill is still being debated in the Commons*. Except in very rare instances, the ministers agree to the proposed amendments and incorporate them into their bills, without ever revealing their origins. Everything takes place behind the scenes and the Senate gets no credit for the work it does. Not only does it not get any credit, it has to put up with criticism as well. Once the amended bills are officially referred to the Senate, they rapidly pass through the three reading stages. The Senators are then accused of rubber stamping the legislation.

Why is the public not aware of this particular constructive aspect of the Senate's work? Simply because debate in the Senate committees has been replaced by dialogue and discussions among informed persons. Partisanship is not a major factor. The tone of the discussion is calm and the nature of the talks is often technical and even scientific. In short, nothing to interest spectators. I would not be exaggerating if I said that because of our desire to research subjects so thoroughly, we create a kind of vacuum around us!

I hasten to add that Senators themselves are partly to blame for this misconception on the part of the public. We take it for granted that the quality of our legislative work speaks for itself. While this may be a noble attitude, it has very limited results. We must find a way to communicate with the public at large and to make it aware of our standing and special committees and commissions of inquiry. The Senate carries out exceptional work and research and Senators deserve more than passing recognition for their contribution. They deserve a certain amount of admiration.

I could cite a long list of bills which have been amended, usually without mentioning the contribution of the Senate. An exception was a recent bill respecting the Canadian Security and Intelligence Service. After we tabled our report, which amounted to a comprehensive analysis of the proposed legislation, the bill was withdrawn and completely overhauled. For once, the Senate made the front pages, owing to the timely nature of this issue which affects individuals and national security.

Before I pat myself on the back too much, allow me to quote a few others who have recognized that the Senate does change legislation. According to one journalist "the Senate has been a major influence in the past, although rarely openly ... The success of the process is probably due to its low profile. The government ministers invariably took the Senate amendments and introduced them in the Commons — never once mentioning where they came from".¹ An article by a University of Calgary professor noted "the questioning by Senate committee members of departmental brass is generally sharper, better informed and much less partisan than that of House of Commons' committees."²

Many examples could be given. For example the tax reform legislation of 1971 was studied by the Senate Banking, Trade and Commerce Committee. It spent three months examin-

Guy Charbonneau is Speaker of the Senate. This is a revised version of an address to the Chambre de commerce française au Canada (Section de l'Ontario) in Toronto on September 12, 1985.

ing the preliminary white paper, received some 443 briefs, heard 118 witnesses, and suggested more than 40 changes in the proposals, almost all of which were embodied by the government when the bill was introduced. The committee then subjected the bill itself to the same meticulous scrutiny, for another three months, and recommended another nine amendments, all adopted by the House of Commons. In such ways as this, Senators are doing an indispensable job for the taxpayer and the citizen, in simplifying and clarifying legislation, avoiding unfair and unworkable provisions, and reducing needless and costly litigation.



I would now like to talk briefly about investigations. Since the Senate is fortunate enough to boast among its members experts in a wide range of fields, it is possible for it to carry out in-depth investigations or inquiries into subjects of interest to the general public. Since they are already familiar with the subject under investigation, these Senators know who to ask to testify as expert witnesses and to contribute to their research so as to produce reports which are both consistent and feasible. Because we are legislators, we concentrate on getting results from the bills and on drafting reports. As a result of our investigations, major pieces of legislation have been drafted and, as I mentioned earlier, new departments have even been created.

Here are just a few examples of some of the issues that the

Senate has investigated:

- The GATT tariffs following the Kennedy round negotiations
- Foreign control of the media
- Canada's fiscal and financial policy
- Fiscal reform
- The agricultural industry
- Direct foreign investment in Canada
- The textile industry
- Trade and anti-trust legislation
- Canada's relations with the U.S.
- The revision of the Bank Act
- The northern pipeline

Certain reports stemming from these investigations have led to the creation of departments such as Industry, Trade and Commerce and Manpower and Immigration, to the adoption of the *Industrial Research and Development Incentives Act*, to the creation of the DREE program and to the establishment of the Atlantic Development Council, to name only a few.

Reports by royal commissions of inquiry often gather dust on the shelf, after costing the state substantial sums of money. Senate reports, on the other hand, are noted for their reasonable cost and positive results.

Speaking of money, I would like to touch briefly on the Senate's budget. The total amount of our budget is a little less than \$27 million, and the percentage it represents of the government budget is about .000260. The salaries and social benefits for Senators and Senate staff total just under \$20 million. This amount includes security, maintenance and general services, which would be incurred even if the Senate did not exist.

I also wish to point out that policies of restraint are being applied in the Senate. During the last fiscal year we kept our fiscal expenditures to 98.6% of our budget, which means, I believe, that we were the only department to end the year under budget. This year we went further: we have budgeted for a 0.28% reduction from last year, even after absorbing a 3.8% statutory increase for salaries, which of course is an unavoidable increase and our largest expense item.

Appointment to the Senate

Senators are often the target of criticism because of the manner in which they are appointed. I will not say much about this age-old problem. Since 1867, efforts have been made to come up with the ideal alternative, a method which would satisfy those who favour an elected Senate, those who would prefer a shared federal-provincial system of appointment and those who want indirect elections, not to mention those who defend the status quo. It would be easier trying to square the circle than to resolve this problem from a constitutional standpoint. As I see it, the important thing is whether the country needs a second chamber — and of this I have no doubt — and whether senators satisfy our expectations. This too can and has been proven.

In order to carry out its duties and responsibilities effectively, the Senate must naturally bring together persons from diverse backgrounds, since the bills referred to it by the House of Commons touch on many areas. The institution remains faithful to a tradition dating back to the Greeks and Romans who were in the habit of assigning important responsibilities to persons called senators who, because of their vast knowledge of current events, were capable of making sound decisions.

A broad spectrum of professions are represented in the Senate which is a well spring of valuable knowledge. Senators may be farmers, businessmen, bankers, journalists, members of the legal profession, doctors, union officials, teachers and individuals actively involved in local or regional politics such as

ministers, mayors or former MPs.

A Senator has to have sufficient experience to be able to make enlightened decisions about bills. He must also be prepared to serve society, to devote sufficient time to the study of questions debated in the Chamber or in committee. In some cases, this devotion results in a substantial drop in income. A Senator cannot make a serious commitment to his work without spending a great deal of time becoming acquainted with national or regional problems. Consequently, he has less time to devote to his other profession. Like so many of my colleagues, I embarked on this second career willingly and I freely accept the restrictions imposed on me.

Speaking personally, I readily admit that I was appointed to the Senate not only because of my vast experience, but also because of my involvement within the Conservative party. In a democracy, political parties act and speak out freely.

The confrontation between parties enables citizens to make judgements and choices during an election campaign. Conviction and a sense of public duty prompted me to join a political party nearly thirty years ago. I was concerned about the problems confronting society and political commitment appeared to me to be one of the surest ways of finding solutions to these problems.

When you combine the experience gleaned from an active personal career with involvement in many areas of society, you have a Senator who is in tune with current events and who can contribute effectively to the smooth running of the state. It would not surprise me if you found this conviction on my part somewhat presumptuous. I am well aware that the public does not always hold a high opinion of the position of Senator. People in many circles, beginning with members of the news media, believe that the Senate is a kind of early retirement institution or better yet a reward handed out for services rendered to the governing party. This is a narrow interpretation of the facts.

Insofar as being a reward for fund-raisers is concerned I fail to see why a citizen should be criticized for supporting a political party. Since political parties have a legitimate right to exist and are indispensable to the smooth running of a democracy, in what way is it wrong to supply them with the resources needed to operate? In asking citizens to help fund the activities of a political party, are we not facilitating at the same time the

process and exercise of democracy? Does anyone seriously believe that political parties would be able to function without the necessary funding? It was this belief that led me to devote part of my time to raising funds for my own party. In doing so, I consider that I acted as a responsible citizen. I do not see why I should experience the slightest remorse for having obtained satisfactory results in this area and for having subsequently been appointed to the Senate.

Upon taking my seat in the Senate, because of my experience and knowledge of certain specific areas, it was natural for me to become a spokesman for business groups, small and medium-sized businesses, financial institutions and industry — the job creators, the motors of our economic life, thanks to whom the Canadian people can enjoy adequate social measures. As circumstance would have it, I became highly aware of the special needs of our economy and consequently, of possible political solutions.

Conclusion

We who sit in the Senate are aware of the imperfections of our own chamber. We would like to see some changes made, whether it be by amending the Senate rules, by reaching a federal-provincial consensus or by enacting federal legislation that does not arouse the ire of the provinces. Significant advances can be made in terms of the method of appointment, the duration and renewal of mandates, eligibility requirements and the conditions under which we carry out our duties. We should be dealing with these areas instead of going on about amending the constitution. The present method of Senate appointment, which is the sole responsibility of the Prime Minister, and the permanent nature of Senate positions, although not specifically provided for in the constitution, no longer conform to a changing democracy. We are the first ones to request changes so that we can exercise our powers as co-legislators in an openly democratic chamber. ■

Notes

¹Stephen Hall, *Ottawa Week Newsletter*, March 5, 1985

²Hawley Black, *Aerospace Canada International Magazine*, August 1985.