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# Senate Reform and Meech Lake

Hon. Jim Horsman, MLA

Senate reform and Meech Lake. We have all been hearing and reading a lot about both these issues over the past several months.

The Accord will end the constitutional isolation of Quebec and make no mistake, there will not be senate or any other constitutional reform without Quebec at the table as a full partner in Confederation.

The accord also accomplishes many other things, one provides for the constitutional equality of the provinces – another provides a clear process by which senate reform can be achieved.

With respect to equality, the preamble of the Meech Lake Accord states: "Whereas first ministers, assembled in Ottawa, have arrived at a unanimous accord on constitutional amendments that would bring about full and active participation of Quebec in Canada's constitutional evolution, would recognize the principle of equality of all the provinces, would provide new arrangements to foster greater harmony and cooperation between the government of Canada and the governments of the provinces".

The Accord will ensure that there will be no "second class" provinces when the first ministers gather to discuss fundamental elements of our constitution. Alberta's premier, Don Getty, was instrumental in obtaining the agreement of all first ministers to recognize the principle of equality – and our government is firmly committed to that principle!

The Meech Lake Accord reflects the principle of equality of the provinces in changes to federal institutions. Essentially, the accord provides that future constitutional amendments relating to powers of the senate, or the method of selecting senators, will require approval of all provinces and the federal government, rather than the current requirement of parliament and seven provinces with at least 50 per cent of the population.

Some have questioned why Alberta agreed to this change, suggesting that it will forever doom meaningful senate reform.

Alberta fully supports the "equality" provision because we know that there are certain provisions within the constitution that are so fundamental that their alteration must only proceed under the approval of all the partners of confederation. An amendment to the office of the Queen is such a matter – we believe that senate reform must be another.

The type of Senate reform advocated by Alberta will have a dramatic effect on our institutions of government. It will significantly improve the legislative and decision-making process in the Canadian Parliament with respect to the nature of our confederation.

Our government believes agreement is attainable on senate reform. It has been achieved before, on the amending formula proposed by Alberta which was agreed upon in November 1981, by nine provinces and the federal government, and finally in April 1987 by Quebec as well as on many other constitutional amendments, and I cannot accept the assumption that agreement is impossible to achieve on this issue.

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***"Meech Lake does not inhibit senate reform. On the contrary, it established a clear process under which reform will be achieved, and it ensures that this reform must be satisfactory to all governments."***

The Meech Lake Accord provides an interim process by which the provinces will have a say in the selection of senators. When a vacancy occurs, the prime minister must select a senator from a list advanced by the province from which the vacancy occurs.

Alberta has a vacancy, and until now, our government has refused to provide the prime minister with a list of candidates. We are currently investigating the legislative process that will place the selection of our next senator into the hands of

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the people of Alberta. The best way to accomplish this is through a general election process.

Make no mistake, the first elected senator in Canada will forever change the face of the senate – and we are confident that this bold step will help Canada attain timely and effective constitutional change.

Now, although we feel that electing a senate nominee will be an important factor in achieving senate reform, the process which we will follow to obtain this reform is clear.

First, the Meech Lake Accord must be approved by Manitoba and New Brunswick. Ratifying the accord will entrench constitutional amendments that will – among other things – bring Quebec back as a full participant in future constitutional discussions. Ratification will allow us to move on to the next round of constitutional discussions.

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***“It was Premier Don Getty who at the 1986 premiers conference in Edmonton obtained the agreement of all premiers that senate reform would be the next priority after consideration of Quebec’s five proposals that led to the Meech Lake Accord.”***

Alberta is prepared for the next round of discussions, and has developed a triple E – equal, elected and effective – senate reform model.

In November 1983, the Legislative Assembly of Alberta established a Select Special Committee on Senate Reform. The Committee was to examine and report on the appropriate role, functions and structure of an Upper House in the Canadian federal system. Alberta’s position on senate reform is based on the recommendations of the committee, which reported in March 1985. The committee’s recommendations were unanimously approved in principle by the Alberta legislature both before and after Alberta’s 1986 general election.

It is important to recognize that in formulating our province’s position with respect to senate reform, the committee held public hearings and discussions with hundreds of individuals and organizations throughout the province. In addition, the committee met with all other provinces and the federal government.

With respect to the Triple E Senate recommended in the report, I believe most Canadians agree that a reformed chamber must be *elected*. The current senate lacks the democratic foundation to carry out its responsibilities.

Every now and then the senate takes a big puff of air and swells out its chest in defiance to the House of Commons, as it did with respect to the free trade legislation.

Yet, how could anyone – regardless of their position with respect to the Free Trade Agreement – accept the notion of

an appointed body thwarting the will of our elected members of parliament?

I also believe there is general agreement that if the senate is to perform any useful purpose it must exercise *effective* legislative powers. The exact form of these powers, however, is a matter for much discussion among the provinces and federal government – and a topic we have been discussing at great length as we carried out our mission across Canada.

The primary responsibility of a second chamber in a federal system is to represent the interests of the partners within confederation.

Therefore, one of the roles of the senate is to ensure that legislation receives a second look from a perspective that is different from the House of Commons. To do so, it requires some form of real power.

This brings me to the remaining ‘E’ – the principle of equality. As I had mentioned earlier, the concept of equality of the provinces was recognized in the preamble of the Meech Lake Accord, and in fact, has been acknowledged since confederation.

Sir John A. Macdonald, at the time of confederation said “In order to protect local interests and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the *principle of equality*.”

Thus, while the principle of equality was acknowledged at confederation, it was very imperfectly applied by the concept of regional equality. With the entry of additional provinces and the expansion of our country from sea to sea, the regional approach cannot today be considered satisfactory. Indeed, even by 1908, the prime minister of the day, Sir Wilfrid Laurier, was calling for equal provincial representation in the senate. He stated, “What I would insist is that each province should be represented by an equal number of senators, that each province should stand in the senate on the same footing, and that each province whether it be big or small should have a voice in the legislation, not according to the numerical strength of its population but according to its provincial entity.”

The democratic principle is served and protected by representation by population in the House of Commons. The federal principle ought to be served and protected by equal provincial representation in the senate. The democratic and federal principles are reconciled and reflected by these two houses acting together as a single parliament expressing the national will.

Having developed this model for senate reform – and then having ensured that senate reform would be the next priority after the Meech Lake Accord is passed our government moved towards assessing the provinces’ and federal government’s position with respect to reform, and to increase public awareness of this issue.

At the 1988 premiers conference in Saskatoon, Premier Getty received the support of all premiers to lead discussions

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with the other provincial governments and the federal government. As a result, the Senate Reform Task Force was formed – comprised of myself as chairman, Bert Brown, chairman of the committee for a Triple E Senate, Stan Schumacher, former member of parliament and a member of the Legislative Assembly of Alberta, an alternating member of the Alberta assembly, and Peter Meekison, a renowned constitutional expert and Academic Vice-president of the University of Alberta.

To date, we have visited every province and the federal government and will be visiting the Territories next week. These visits have included discussions with our counterparts in the other governments, as well as discussions with editorial boards, interviews with radio and television stations, lectures and speeches to universities, and speeches to business and service clubs.

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***“It is obvious that senate reform is gaining momentum as a public issue, and I know that Canadians will watch with interest the progress all our governments make as we head into our next round of discussions.”***

From our discussions, it appears there is a general agreement that a reformed senate should be elected. There also seems to be wide support for a senate that represents, equally, each of the ten provinces. All of the provincial governments recognize that Canada is a country of vast and diverse provinces – not regions – and that the federal principle is best fulfilled by an equal senate. Finally, it is clear that there will be much discussion at future conferences on what the effective powers of the senate should be. Various views on the powers of the senate and how they will impact on Canadian parliamentary tradition have been discussed, and I am certain that several ideas on this topic will be advanced as we head to the constitutional table.

At present, five provinces, the four western provinces and New Brunswick have publicly supported the “Triple E” model in principle. To date, it is the only model on the table, and our government is confident that when the provinces, territories, and federal government meet at this first constitutional conference, it will be a “Triple E” senate we will be discussing. So what is the next step in achieving senate reform?

As I have said before, it is approving the Meech Lake Accord – for if we don’t, the prospects for any kind of constitutional reform are grim.

Can anyone believe that Quebec, not having been a part of the 1981 constitutional agreement, and then having gone through the difficult process leading up to the Edmonton declaration and the Meech Lake Accord, and then to be driven from the constitutional table by the opponents of Meech Lake will sit down and discuss senate reform?

And what politician, what premier, could think that constitutional change can be achieved without Quebec or any province as a full and equal participant at the discussions?

Why would any politician, from any province other than Ontario or Quebec abandon equality for second-class status? By doing so, by abandoning the principle of equality, they would be denying their citizens equality with those in the larger provinces with respect to the development of the constitution of Canada!

It is wrong to impose senate reform on any partner of confederation without their consent. And Alberta, for one, will not accept a senate with slight adjustments or mere tinkering in the guise of reform! We cannot – and will not – have undesirable or cosmetic changes rammed down our throats.

But I have faith in Canada. And I have faith that in our country of great size and diversity there will be the political will to find our way through the controversy, and to conclude the ratification of the Meech Lake Accord. From there, Canada will move on to reform our senate as the next step in our constitutional evolution.■