Inquiries of the Ministry

Hon. G. J. McIlraith (President of the Privy Council): Mr. Speaker, I would prefer to take that question as notice.

ROYAL CANADIAN MINT

ORDERS FOR NEW COIN SERIES

On the orders of the day:

Hon. Michael Starr (Ontario): Mr. Speaker, I wish to ask the Minister of Finance a non-controversial question, and it is this. When is he going to make an announcement to the effect that the Mint will be prepared to take new orders for the coin sets?

Hon. Walter L. Gordon (Minister of Finance): Mr. Speaker, I acknowledge that that was a non-controversial question, and I hope it is an indication of the kind of questions that we may have from the hon. gentleman from now on in his new position.

Mr. Starr: There is no guarantee of that.

Mr. Gordon: I undertook, Mr. Speaker, that some time before the end of this month I would make a complete statement on the situation at the Mint, and I hope to do that before the end of this week.

HEALTH AND WELFARE

FEDERAL RESPONSIBILITY FOR INCREASED COST OF OUTPATIENT CARE

On the orders of the day:

Hon. Walter L. Gordon (Minister of Finance): Mr. Speaker, I should like to reply to a question that was put to me on April 12 by the hon. Member for Medicine Hat concerning the effect of possible extensions in the hospital insurance plans of Quebec and Alberta to provide certain outpatient services.

While this is a subject which comes more within the responsibility of the Minister of National Health and Welfare, I can say that any such extension in services would require an amendment to the existing hospital insurance agreements before any costs could be shared. It is my understanding that no formal request for an amendment of the existing agreement has been received yet from the Province of Quebec, but such a letter was received today in the Department of National Health and Welfare from the Province of Alberta. There has not yet been time to consider the Alberta request, so I am not in a position to give a precise answer to my hon. friend's question.

[Mr. Hales.]

PENSIONS

LEGISLATION RESPECTING SUPERVISION OF PRIVATE PLANS

On the orders of the day:

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, may I direct a question to the Minister of Finance. Would the Minister say whether he will soon be introducing the legislation which he forecast on December 18 of last year concerning the supervision of private pension plans for employees who come under Federal jurisdiction?

Hon. Walter L. Gordon (Minister of Finance): Mr. Speaker, I hope to be introducing not only that particular piece of legislation but others that I referred to even earlier. I am thinking particularly of the legislation respecting revision of the Bank Act.

Mr. Knowles: A supplementary question, Mr. Speaker. Will the pension legislation be introduced at this session?

Mr. Gordon: Mr. Speaker, I hope all this legislation will be introduced at this session.

HATE LITERATURE

CONSIDERATION BY COMMITTEE ON EXTERNAL AFFAIRS

On the orders of the day:

Mr. Andrew Brewin (Greenwood): Mr. Speaker, I would like to redirect to the Secretary of State for External Affairs the question that I previously asked the Prime Minister, and inquire whether steps will be taken to refer to the External Affairs Committee of this House the subject matter of hate literature, upon which considerable work was done by the Committee at the last session.

Hon. Paul Martin (Secretary of State for External Affairs): Mr. Speaker, I am sure this is a desirable thing to do. I will see that the necessary arrangements are made through the Chairman of the Committee and that whatever other things must be done to make this possible are done.

THE SENATE

ESTABLISHMENT OF RETIREMENT AGE FOR SENATORS

Hon. G. J. McIlraith (President of the Privy Council) moved that the House go into Committee to consider the following resolution:

That it is expedient to introduce a measure to provide for the retirement, upon attaining the age of seventy-five years, of any person appointed to the Senate after the coming into force of the said measure; to extend the provisions of the Members of Parliament Retiring Allowances Act to

such persons; to provide for the granting of an annuity to any person appointed to the Senate before the coming into force of the said measure who resigns his place in the Senate after having attained the age of seventy-five years or having become afflicted with a permanent infirmity disabling him from the performance of his duties; and to provide further for the granting of an annuity to the widow of a person who was granted such an annuity upon resigning his place in the Senate.

Motion agreed to and the House went into Committee, Mr. Lamoureux in the Chair.

• (3:50 p.m.)

Mr. McIlraith: Mr. Chairman, this proposed legislation envisages a situation whereby Senators will hold their places in the Senate until the age of 75 years is attained, rather than for life as at present. It is proposed that this situation be brought about by the following method: First, that any person summoned to the Senate after the coming into force of this legislation would be subject to compulsory retirement at the age of 75 years. Senators who are now holding their places in the Senate would not be interfered with. However, they would be given the option of retiring with an adequate retiring allowance, if they so wished, on attaining the age of 75 years, or if by reason of health they were unable to carry on.

In other words there are three distinct parts to the legislation. The first part would deal with the amendment of section 29 of the British North America Act to provide for the retirement at age 75 of persons summoned to the Senate in the future. Part two will consist of a series of amendments extending the provisions of the present Members of Parliament Retiring Allowances Act, which now is applicable only to members of the House of Commons, to those members of the Senate who are summoned to the Senate in the future. These persons will be subject to the same retiring allowance legislation as are members of the House of Commons at the present time.

The third part of the proposals envisaged in the legislation is a series of provisions which will apply to Senators already holding their places in the Senate or who are appointed to the Senate before the coming into force of the proposed legislation. These latter provisions will make it possible for Senators who attain the age of 75 years or who have become permanently disabled to resign their places in the Senate and be granted an annuity equal to two thirds of their indemnity. Provision would also be made for an annuity to be granted to the widow of a Senator who during his lifetime had been granted an annuity under the Bill. This would make it possible for such a Senator to resign his place in the Senate with the assurance that if he died, his widow would be provided for. Thus in effect the legislation would provide that future Senators would contribute to a pension scheme in the same manner as members of the House of Commons, and that persons now in the Senate would have an option of retiring with non-contributory annuities similar to those provided for judges.

Now, Mr. Chairman, having outlined the purpose of the legislation and the method being sought to be used, I do not think there is much I can usefully add at this resolution stage. If there are any questions, I will be glad to try to answer them, but I think the three general points are fairly clear, simple and direct, and that the more detailed provisions can be better examined when we see the legislation after the Bill itself is put before the house.

Mr. Diefenbaker: Mr. Chairman, may I say at once of this resolution that one might almost term it a fiddling with Senate reform. Indeed, it is simply a generality, that those appointed to the Senate hereafter shall retire at the age of 75, but that no action will be taken among the Senators today occupying that high and august position.

I recall immediately that when we were in office we decided that there should be an age limit of 75, effective for new appointments and for incumbents. It is of interest to recall that on April 9, 1962 I, as the then Prime Minister, moved for leave to introduce a Bill to amend the British North America Act in respect of the Senate. I stated, as reported at page 2607 of *Hansard* for that date:

> The amendment which will be brought before the House will be restricted to retirement at the age of 75 years of all members in the other place, as well as those who may thereafter be appointed. Provision will be made for a retirement pension for all who are now in the Senate. A resolution to that effect will be placed on the order paper today. I think I should also make it clear now that in the event that this amendment is passed, no appointment of successors to vacancies resulting from the compulsory retirement of Senators under this legislation will be made until after the next general election.

That was the purport and summary of the measures we had in mind. We made it very clear that there would be no appointments made of successors to those who would be automatically retired until after the next election.

First reading of the bill was opposed by the hon. Member for Kootenay West, and the

House divided on the question. The only members who voted against introduction and first reading of the bill were seven members belonging to the C.C.F. party of that day, the New Democratic Party of today.

The Bill, first reading of which was agreed to, stated simply as follows:

Section 29 of the British North America Act, 1867 is repealed and the following substituted therefor:

"A Senator shall, subject to this Act, hold his place in the Senate until he attains the age of seventy-five years or until the coming into force of this section if at that time he has already attained that age."

The the Bill was described. At the same time, Mr. Chairman, there was a bill to provide for the payment of annuities to persons who had served as members of the Senate, immediately after each and every Senator to which the act applied ceased to hold office.

• (4:00 p.m.)

Now, Sir, the legislation that is envisaged by the resolution is simply a milk and water substitute for the promises that have been made for so many years. One has only to look back a matter of 46 years ago when Senate reform was promised during the 1919 convention of the Liberal Party. I recall very well the election of 1925 when the then Prime Minister, Right Hon. W. L. Mackenzie King, stated that reform of the Senate was a first and a foremost course of action needed to assure democracy in this country. He said the same thing in 1926. I recall so well the promises of that day. He said he was going to substitute live Grits for dead Tories in the Senate. Some of those appointed were only half qualified on the basis of Mr. King's description.

Again in 1935 he was going to reform the Senate. You will recall that he stated that each and every Senator appointed would sign a declaration to the effect that he would voluntarily remove himself at any time that the Prime Minister decided. We do not know how many actually entered into that form of undertaking. On several occasions we endeavoured to secure copies of these resignations in anticipation but nobody was ever able to see them. We tried in 1944, as I recall, and again without success.

What of this measure now before us? Sir, this is simply a watered down type of reform. It is interesting to read about the Senate. It was to provide a sober, second thought. On many occasions throughout the years it has justified its existence. It has stood against an all-powerful House of Commons when members of the Senate believed that bills introduced in the House of Commons, other than money bills, were not representative of the thinking of Canadians as a whole.

It is of interest that numerous articles have been written by pundits and others regarding this subject. I have before me an article written by Bruce Hutchison, who I understand has ambitions. I also understand that another pundit by the name of Blair Fraser has ambitions, and I would recommend to the President of the Privy Council and the Prime Minister a reading of the views of these two hopefuls. On the 27th of February, 1964, Mr. Hutchison wrote an article headed "Don't Shoot the Senate". He said:

Every old reporter must be saddened by the news that Mr. Pearson will reform the Senate, as if a beloved face were about to be changed beyond recognition by plastic surgery. The late Mr. Mackenzie King also undertook to reform the Senate in 1921.

Then he goes on to deal with the real question. I am citing Mr. Hutchison's view to the Prime Minister because Mr. Hutchison has become a monitor to the Government. He went on to say:

The real question, therefore, is not whether Mr. Pearson plans to change the constitution but whether he plans to appoint better Senators.

I am not going into the list of appointments that have been made unless, of course, I am provoked into doing so, but certainly in the appointments that have been made by the present Government there is no indication that the admonitions and advice given by that extracurricular adviser have been carried out. He went on to say:

The Senate could be a generator of basic ideas, an unprejudiced critic, a continual national assize instead of an elderly orphan.

I do not agree with that description of that body. It has been an institution that on occasions in the past has lived up fully to the great traditions and opportunities that those who established the Senate had in mind.

I mentioned too that Mr. Blair Fraser had expressed himself. At the moment I will go no further than to say that he also has expressed himself strongly in this connection. Possibly the only reference I may need to make to Mr. Fraser is that he has stated that in the past the Liberal Party has only made a halfhearted gesture toward carrying out the party's platform pledge of Senate reform, that it brought the matter before the Dominion-Provincial Conference in 1927, and that the conference got nowhere.

As I read the press of Canada it is evident that almost without exception this legislation

has been looked upon as simply a sham, simply a means of pretending there is going to be reform, without actually reforming. Indeed, the Toronto *Star*, never a very great critic of the Government, has stated:

> The Pearson Government has shown a characteristic weakness for half measures in its proposals for Senate reform.

Sir, we were told that we were in a new era of new politics, that all those things that have gone before would be no more. The appointments that have been made indicate that in the field of Senate reform Canadians have not seen a new heaven and a new earth as envisaged by the Liberal party in 1962 and 1963. Indeed, the Canadian Press has dealt with this matter at some length in an article headed "New Politics Pays Off" in which it said:

> The canniest politicians try to protect their rear by making their actions conform as closely as possible to their past pronouncements.

Then it deals with the appointments that have been made and it states that these appointments have been far removed from anything along the lines predicted or indicated in the past.

• (4:10 p.m.)

There has been no fundamental reform, but merely a glossing over of the situation on Senate reform. Today, the composition of the Senate is virtually two to one in favour of Liberal appointees, with three who claim some element of independence.

The matter of Senate reform has been a continuing subject of discussion throughout the years, something like the weather. I think the Prime Minister could continue the course we introduced of having a minister responsible for a portfolio, or several such ministers, in the Senate. I think there would be no particular objection taken by Canadians as a whole if two or three outstanding appointments were made from that body. When I was Prime Minister I tried, so far as possible, to have a larger measure of legislation introduced in the Senate than had been the case in the past. I feel that it would be most helpful if the Prime Minister would designate an ever increasing number of measures to be introduced in that body, so that the fullest possible examination could take place.

After all, this is a wonderful position today. It pays $15,000 a year, and the Senate sits from time to time. It should sit almost as long as does the House of Commons, if given an opportunity to discharge its responsibilities. I would suggest a measure of reform that could be made would be the designating, to a greater extent than ever before, of the number of Bills to be introduced in that body.

Mr. Pearson: I wonder if my hon. friend would permit me to ask him a question? While I certainly do not disagree with what he has been saying, would he approve a change by which money bills would be introduced in the Senate?

Mr. Diefenbaker: No, Mr. Chairman, I would not and I made that clear earlier. It would be quite impossible to designate the Senate as a place in which money bills could be introduced. If we were to follow that course we would deprive the House of Commons of its inherent and exclusive right to control money matters. Many other types of legislation could be introduced there and the fullest examination could take place. I, of course, make it very clear, and I am sure the Prime Minister agrees, that there would be no justification whatever for the introduction in that Chamber of measures in the nature of money Bills.

So far as what is introduced here is concerned, I do not think it is of great importance. It is a step, a faltering step. Those who are going to be appointed hereafter will automatically retire at 75. Those who are over 75 can stay if they choose. It is interesting that an appointment to that body seems to be a tremendous encouragement to longevity. Few, if any, of the Senators who are over 75 will retire. Why should they, when they are going to get the indemnity that today is available? Why was it that action was not taken to make effective the retirement at 75? Well, I can only conclude there was a fear on the part of the Government that such a measure might receive opposition in the other place. This is scarcely a sound qualification for the determination of Government policy.

This is simply legislation that makes a step forward, but it is innocuous in so far as being effective today is concerned. However, half a loaf is better than none. What is before the House is merely a shadow of what was contemplated 46 years ago at the Liberal convention. However, 46 years is not a long time to wait for the implementation of Liberal policy.

Mr. Knowles: Mr. Chairman, I agree with the Leader of the Opposition that the proposal placed before the House is a case of fiddling with Senate reform. However, I was a bit surprised to hear that charge made by the Leader of the Opposition for I find it difficult to discover any substantial difference between the proposal now made by this Government

and the proposal that was made by his Government.

Mr. Diefenbaker: You had better read it over again.

Mr. Starr: Read both of them, not just one.

Mr. Knowles: I have read both, and as I recall both of them proposed retirement at 75. The only difference is that the Liberals propose that retirement at 75 shall be effective only after the Bill becomes law. On the other hand the Leader of the Opposition, when he brought in his proposal, suggested it be effective to all those appointed after the date on which he announced the proposed change.

Mr. Diefenbaker: You had better read it again.

Mr. Knowles: At any rate, apart from any difference in the effective retirement date, that is the only reform either of them proposed, namely that some Senators retire at age 75. The Leader of the Opposition suggests that half a loaf is better than no bread at all. I am not so sure that this measure is to be regarded in that light. It strikes me that it is the kind of measure that might fool the Canadian people into thinking that something had been done to reform the Senate, and therefore it would be another 46 years before something might be done again.

It seems to me, Mr. Chairman, if we are going to consider the Senate at all, we ought to come up to date; we ought to recognize that we are in the 1960's. We ought to ask ourselves whether there is any place in our parliamentary institution for a group of people who are not responsible to the electors of this country. I can understand the thinking of the Fathers of Confederation 100 years ago. In that day they believed in democracy, but not completely. There was a lingering notion that in addition to those who are elected by the people there should be some elder statesmen, like the Members of the House of Lords of the United Kingdom, who would have the final say, a veto, a chance to check on the work of the elected Members. But, Mr. Chairman, we have moved a bit in the last 100 years. We no longer think that the elected people have to be vetoed, or checked, or supervised by people who are not elected. In our view the House of Commons, consisting of Members elected by the people of Canada, should be the final court so far as the making of laws is concerned.

• (4:20 p.m.)

I am putting this forward in a very low key. I do not need to shout our position from the housetops because it has been well known throughout the years of the C.C.F. and since the founding of the New Democratic Party, namely, that we believe the Senate ought to be abolished. We think that any measure of reform, particularly so ineffective a measure as this, is hardly worth the time it takes us to deal with it.

I know the arguments in favour of having the Senate. With 23 other Members of the House of Commons I had the experience during the Christmas recess of sitting on a joint committee which had 12 members from the other place, and I know their contributions to the work of that committee were very useful. I also know that from time to time the Senate sets up interesting and useful committees. They had one on employment a while ago, one on the use of land, and one on aging. These are all good committees and their Honours do interesting and useful work. But this is the kind of work to be done by people appointed for that purpose, and ought not to be done by people who enjoy the same status that the elected representatives do, but with the additional right to veto legislation passed by the people's elected representatives.

Perhaps because in the United Kingdom the House of Lords cannot finally veto legislation, but can only delay its passage, or perhaps from the fact that in the United States the veto of the President can be overridden by a two thirds vote of the two houses of Congress, —whatever the origin—there is a notion held generally in Canada that the Senate can only go so far, that it can only turn down legislation once, twice or three times, or something like that.

However, the constitutional position is that the Senate could block a measure passed by the House, year after year, to the end of time. I know this has never happened. I know that the number of times the Senate has vetoed something passed in the House of Commons has been very limited. The outstanding example is the first old age pensions Act back in 1926, and two or three matters in the years from 1957 to 1963. I know the Senate does not do this very often, but it has, as a constitutional entitlement, the right to say no to what the people's elected representatives have decided. In terms of political theory, in terms of democratic practice, I think this is wrong, and that we should be taking a serious look at the position of a non-elected body in our parliamentary institution.

Another point sometimes made is that the Senators are there to protect minority rights, and in particular to protect provincial rights.

I suggest however that that is no more their function than it is the function of the House of Commons and also that of the courts. I further suggest that we have had the Senate for 98 years, that our Federal-Provincial situation is not all that it might be, and that having the Senate has not taken care of that problem.

It seems to me that all the various arguments for the retention of a second House, particularly a non-elected one, fall to the ground, and that what the House of Commons, should have placed before it on this occasion is not some measure of ineffective reform but rather a measure for the abolition of the Senate.

Hon. Members are aware I have such a bill on the Order Paper as a private Members' public bill, but it does not have quite the same chance of being reached, let alone the chance of being voted on, as a Government measure has.

As I have said, these arguments have been stated time and time again. They are frequently the subject of debate in high schools and universities. The subject has frequently come up here, and before we proceed with a measure of this kind I submit this is the kind of consideration we ought to be giving the subject.

I see, Mr. Chairman, that you are fidgeting a bit. Maybe it is just in my mind, but I wonder if perhaps you were thinking I was getting away from the subject of the resolution by talking about the abolition of the Senate, when all we have before us is a limited measure of Senate reform. But I want to make it clear that I do not agree with the position of the Leader of the Opposition, namely that by reforming the Senate we should be giving it more responsibility, more voice and more legislation. Members of the other place, fine ladies and gentlemen that they are, are not elected by the people of Canada and I do not think they should have the role in our parliamentary institution that is accorded them by our constitution—and I believe that is the change we ought to be making, namely the abolition of the Senate itself.

I should now like to say a word or two about the specific terms of the resolution, and particularly about the outline of those terms as given to us by the President of the Privy Council. I not that the Bill is to have three main parts and that the first part is to carry out the main proposal, to provide for an amendment to the British North America Act whereby all persons appointed to the Senate after the passage of this legislation shall be compulsorily retired at age 75. As I have already said, that is an ineffective piece of legislation that does not really amount to anything, in the face of what ought to be done.

The second part of the proposed Bill is to make provision for those who, having been appointed after the coming into effect of this legislation will be compelled to retire at 75, to give them the rights and privileges that Members of the House of Commons enjoy under the Members of Parliament Retiring Allowances Act. I suppose if Members are going to be summoned to the Senate for a limited period of time, and if we are in an age when we feel that all classes of employment should have certain pension rights, then Members of the Senate appointed under these conditions should also have pension rights. But I want to object—and I ask the Prime Minister to listen to me on this—I want to object most strongly to what has been indicated as part III of the bill.

If I heard the President of the Privy Council correctly he said that provision would be made for those who are now in the Senate, and those who are appointed between now and the time the Bill becomes law, on reaching 75 to retire voluntarily on a pension that I understand will be non-contributory, a free pension equal to two-thirds of their present indemnity. The present indemnity of a Senator is $12,000 a year. Two thirds of that is $8,000 a year. We are therefore saying to any Senator who is now for example 50 years of age that for the next 25 years he gets an indemnity of $12,000, plus his $3,000 expense allowance; and then, at age 75, without having contributed one nickel to a pension fund he can retire, if he wishes to do so, on an $8,000 pension, plus provision for a widow's pension if he should die after he goes on that pension.

• (4:30 p.m.)

Let me divorce all of this, however, from what I am saying about the Senate as an institution. I think it should go. Apparently I cannot carry that idea today, so I have to deal with the situation as it is. I feel that in present situation, when we in this house have a pension plan to which we contribute, when we have just set up a Canada Pension Plan on a contributory basis and when it is accepted by most people that pensions are theirs as a right, because they have earned them by working for them and paying for them, to pick out this particular group of men and women and say "You do not have to pay one cent for this; if you do us the favour of

retiring so that we can appoint someone else we shall give you absolutely free a pension of $8,000 a year" is entirely wrong. If I have misunderstood the President of the Privy Council I hope he will correct me, but I understood him to say this was to be an annuity on a non-contributory basis equal to two-thirds of the present indemnity. Remember, this is to be paid to persons who may have been drawing this indemnity for 20 years. I think the Government should reconsider this aspect of its proposals by providing that if such pensions are to be made available, the people concerned should be asked to pay for them.

Mr. McIlraith: Could I ask a question by way of clarification? How would the hon. Member get such persons to retire at the age of 75?

An hon. Member: Make it compulsory.

Mr. McIlraith: How would you get the Bill passed?

Mr. Knowles: The hon. Gentleman asks how the Government would get the Bill passed. In other words, this is a bribe. The Government is bribing the Senators to retire at 75 by offering them a free pension of $8,000. That is the import of the question which the President of the Privy Council has just asked.

Mr. McIlraith: I wonder whether I could ask the hon. Member to address himself to the question itself. These incumbents hold office for life. If they are to retire at 75, how do you bring about such legislation to retire them at 75?

Mr. Knowles: Rather than be guilty of offering them a bribe I would let them live it out, because it seems to me this principle is wrong. When the pension plan affecting Members of the House of Commons was brought into being there were quite a few here, including the President of the Privy Council and myself, who had a number of years of service. We were given the right to elect to cover those past years of service but we had to make payments in respect of them.

Mr. McIlraith: Would the hon. Member not agree that we were in the position that we were not here for life? We had to face the electorate every four years or so. We are not holding our positions as Members of the House of Commons for life as a right.

Mr. Knowles: It seems to me that the President of the Privy Council has strengthened the case I am making. We were in a less favourable position, yet we still had to pay in respect of past service. The hon. Gentleman is saying that this is the only way he can expect the Senators to support this bill.

Mr. McIlraith: He was not saying that. He was asking a question.

Mr. Knowles: True, the President of the Privy Council was only asking a question, but the implications were clear. I would think that if the Senators cannot be persuaded to retire because it is right in principle, no such offer should be made to them.

Even though I have said many critical things about the Senate as an institution, I know a good many of them over there; there are many decent, upright and honourable people in the other place and I think most of them would agree in principle that they should pay for their pensions, just as we have to pay for ours. If they do not agree with this proposition I suggest they should not be given this pension as a bribe.

Speaking of the general situation there is, of course, provision for widows' pensions. This is a matter which, I know, concerns some of the Senators. When a Senator dies there is nothing for his widow. But if the pension, even if it had to be paid for, included a widow's pension, Senators might take a different view toward it than is now the case. When I looked at the resolution I wondered whether it was in effect an attempt to bribe Senators to vote in favour of the measure, but even I was not suspicious enough to think that this was the case. However, the question asked by the President of the Privy Council makes it clear that this is a bribe as the Government sees it. The Government wants to get this measure through. It wants some of the Senators to retire at the age of 75 and it has decided that the only way to accomplish this is to offer them a free pension of $8,000 at age 75. In a day when we have not yet got the old age security pension up to $100 a month or $1,200 a year; in a day when we have not found it possible to increase the pensions of retired civil servants or retired employees of the Canadian National Railways; in a day when, despite various improvements, we are still struggling with the problem of providing adequate pensions for our people, I do not think this Parliament should approve offering to those who have enjoyed indemnities for a lengthy period of time the kind of annuity which is now suggested. I do not think this phase of the legislation should receive the support of the House

and I hope that before the Bill is brought down the Government will take a further look at this aspect of it.

We think this is a case of fiddling with Senate reform in an ineffective way. What should be done is to provide for its abolition so that our Parliament can be a truly democratic institution composed only of men and women elected by the citizens of Canada.

Mr. Thompson: I must say I am very disappointed by the resolution before us. I fail to understand why the Government should have taken such a "milquetoast" approach to this question. This is nothing but a minute and timid attempt to initiate a measure of Senate reform. Possibly the Government did not wish to come forward with proposals for a major overhaul; but why did it not bring forward at least one or two firm proposals indicative of a desire to correct some of the faults and shortcomings of the institution which we refer to as the other place? I urge the Government to amend its intentions, at least as they concern this phase of the resolution respecting the retirement of future Senators at the age of 75.

I have many good friends in the Senate and I highly respect many of the men and women who compose that body. I believe they have a worth-while contribution to make. From my conversations with them I would say that most of them have no objection to constructive proposals. They realize that the institution is antiquated. I cannot understand what pressures on the Government would result in the bringing forward of a bill which has so little backbone. If the establishment of a retirement age is a legitimate part of Senate reform, why not make it effective now? In recognition of the fact that no provision has been made for Senators who retire, it would be logical to make some provision. I do not go along with the hon. Member for Winnipeg North Centre when he says they have not made any contribution—they have not had a chance to contribute. His suggestion may be something for the future. But even if they were retired at $8,000 a year now, that would save the Government of Canada $7,000 a year per Senator.

• (4:40 p.m.)

Mr. Knowles: That would cost $15,000 plus $8,000, or a total of $23,000.

Mr. Thompson: We are talking now about setting the retirement at age 75. I really do hope that the Government are not going to bring in a Bill that is as insipid as this resolution indicates it is going to be. I do not think this is the time for entering into any lengthy debate on Senatorial reform, although I find it very amusing to listen to the Leader of the Official Opposition as he talks about what he had once planned to do. Certainly if he had wanted to bring in Senatorial reform long ago, he would have done it while he was in office. I do not think there has been any Prime Minister of Canada who has made such political use out of the Senate as did the former Prime Minister, now the Leader of the Official Opposition. I do not think there is much argument as far as concerns what should have been done in the past, but we must have our eyes to the future.

I for one certainly am not in favour of the abolition of the Senate. I think the Senate has a very important role to play, and I think we must be very cautious in taking an irrevocable stand on saying that even an appointed Senate does not have a responsible role. There are some advantages in an appointed Senate that an elected Senate cannot have. But on the other hand, to suggest that the Senate in its present state of affairs is anything but an antiquated piece of machinery that no longer fills a very useful role, or that it should be perpetuated even until future Senators reach 75 years of age is not, I think, putting on coloured glasses; it is just putting on glasses that cannot be seen through at all—because certainly there are some changes that should be brought into the Senatorial picture.

I think that one of the tragedies and certainly one of the weaknesses of the present Senate is that it does not properly represent political opinion, thinking and action in the various Provinces. Certainly it has not brought into the Senate the best qualified individuals in Canada who might have been, if the Senate had operated on any other basis than being a political arm of the particular party which was responsible for government. I would have hoped that at this stage the Government would have taken some step which would have made Provincial representation in the Senate possible. It is the prerogative of the Federal Government to appoint Senators; but what a tremendous opportunity there would have been toward establishing a greater sense of political unity if the Government were to have set up a Senatorial Commission, perhaps of three people, one representing the Government, one from the Senate itself and one appointed by the Government of the Province which was concerned in any specific Senatorial appointment.

How much stronger and how much more representative of Canadian thinking and public opinion the Senate would have been if there had been representation of Provincial Governments in the Senate.

I think another point that really is basic, and does not get into many of the more detailed problems that a complete Senatorial overhaul would require is action which would have eliminated the conflict of interest which now besets many of our Senators as they serve in the Senate. Why should they not be subject to the same restrictions, so far as a dual interest or a conflict of interest is concerned, as we are in this House? There was no better example of this than the recent Senatorial Committee on Banking which dealt with three different bills that would have set up or given authority to the establishment of three new banks in Canada. It so happened that the majority, if not all, of the members of that Senatorial Banking Committee were themselves members of the boards of directors of other banks already in existence. It seems to me that included in this legislation could very well have been the requirement that Senators have the same restrictions placed upon them which was intended to eliminate conflict of interest in so far as their public responsibilities are concerned.

I think that likewise if the Government had been concerned about the welfare of the Senators who hold appointments at the present time they might have set up some machinery by which a pension could have been provided for those who retire before they reach 75 years of age. In other words, there is nothing wrong at all with a contributory pension scheme for those who might be appointed under any new system of appointment.

I think another point that would have been very important here would have been to bring some attendance requirement into the Senate. All that is necessary now is that a Senator appear once in any session. Why should not Senators be required to fill a minimum requirement as far as attendance and participation are concerned, as we do in this House? These are small things, Mr. Chairman, that would not have required amendments to the British North America Act, which would have been a positive step toward an over-all Senatorial reform pattern and which could have been included in this legislation. I believe such action would have indicated to the Canadian people that the Government really was sincere in its intention of bringing in Senatorial reforms. As it is now, this insipid suggestion that is supposed to give benefit a little later on really has not any worth whatsoever to it. It is a sham or a cover-over in order to make the people of Canada think there has been some step taken toward reforming the Senate.

I am concerned, as one who believes that the Senate has a place, that the whole purpose and usefulness of the Senate in the eyes of public opinion has been weakened, and if continued in this way it might well lead us to a point where public opinion will demand the abolition of the Senate. I think this certainly would not be in the best interests of the country. I would like to see Senate appointments set up through a Senatorial Commission, not only so this Commission could consider the recommendations of the Provinces but also that Senators appointed would represent the Provinces as well as the Federal Government, and also making possible non-partisan political appointments. Men and women selected because of their own service to Canada and their own abilities on the Canadian scene in the non-political fields would make the Senate of much more worth. I am thinking of men in education, men in business, retired civil servants—yes, even retired military personnel—and men in the arts. All these people, if they had an opportunity to come into the Senate free of any partisan political influence, would make the Senate certainly a much more effective, much more efficient and much more useful institution.

• (4:50 p.m.)

Mr. Chairman, I would just close my remarks by saying that I hope the Government will seriously consider some of these suggestions before the Bill is actually brought before the House. The intended legislation could be strengthened, first of all by making retirement at 75 effective now, with adequate provisions to take care of those who may have no pension scheme under the present set-up; then by adding some of the other proposals which have been made. If this were done, then truly I think the Government would get the support of the House. As it is now I am concerned that they will not get support, even to take or bring into reality this very minute step which they are now suggesting. Certainly the Government has a great responsibility to those in their own ranks who have talked about Senatorial reform, as well as to others in this House who have made suggestions, but most of all it has a responsibility to the Canadian people.

[*Translation*]

Mr. Caouette: Mr. Chairman, this resolution is some sort of a draft for the bill which will be introduced here eventually.

I thought it would contain other provisions than the one setting the retirement age of senators at 75, giving present incumbents the choice of retaining their seat even if they are past the age of retirement or to retire with full benefits as far as pension and other benefits are concerned if they have reached the age of 75.

How many senators are 75 or more at present? I should like to have a reply from the President of the Privy Council on that point.

On the other hand, I would suggest that if the bill to be introduced provides for retirement of senators at the age of 75, that provision apply to everyone whether one wants to retire or not. I even find that 75 is a rather advanced age; it should be 70. Considering the difficult task which they have to fulfil in the other house, I believe that when they reach 70 years of age, they have worked long enough to be entitled to retirement.

This would enable us to have a younger Senate who would understand better present day problems, not only with regard to one part of the country but concerning Canada as a whole. A little while ago the Leader of the Opposition (Mr. Diefenbaker) was telling us that he and his government had introduced a bill for that purpose a few years ago when there were 208 Conservative members in the House of Commons and that the Liberals had then voted against this measure as well as the New Democratic Party members, the CCF at that time.

The Liberal government is now introducing such a bill and the opposition does not know whether to vote for it or against it.

This is a clear evidence of the lack of seriousness of the two political parties who succeeded each other at the head of the government of Canada since Confederation. It is nevertheless the Canadian people who pay for the nonsense indulged in on either side with regard to the Senate, the senators and the setting of a retirement age.

A little later, the hon. member for Winnipeg North Centre (Mr. Knowles) said that himself and his party were in favour of the abolition of the Senate purely and simply.

Considering the present constitution and structure of the Senate, I believe that its abolition would be in no way prejudicial to the Canadian people but, on the contrary, would be greatly profitable because we waste a lot of time while waiting for the decisions to be made in the other place.

For instance, we would support Senate reforms which would make for a more representative Senate. For instance, agriculture should be represented by one or more senators coming from the farming community. We would need representatives of the unions to speak for the working classes in Canada; representatives of professional groups such as teachers, lawyers, physicians, engineers, economists and industrialists. There should also be in the Senate someone to speak for our young people, someone who could defend the interests of that large and important segment of our society. There should also be representatives of women's associations, not necessarily representatives of Liberal, Conservative or Créditiste women's associations, but simply representatives of women's associations in Canada. Also, in the religious community, the various religions existing in Canada should have respective spokesmen in the Senate. Then, Mr. Chairman, to my mind the Senate would no longer be a haven for worn-out politicians, but rather a dignified and efficient assembly representing the whole people of Canada.

That is the provisions for Senate reform that I would have liked to see in this resolution instead of the mere fixing of an age limit of 75. I am convinced that at 75 years of age, one is too old to be a senator. Surely, there are good senators; I have nothing against any of them. But what we disapprove is the principle according to which, at the present time, the Senate is made up and organized and according to which senators are appointed to the upper chamber.

Those are the remarks I wanted to make concerning this resolution which provides for the retirement upon attaining the age of 75 years, of members of the Senate.

We suggest that the age provision be changed to 70 years when this bill is being drafted. But if it is imperative to fix the age limit at 75 years, if a senator is 77 years old when this bill is passed, he should then retire on pension, if he wants to. That has been agreed to since last year.

Mr. Chairman, we are for a reform of the Senate. We do not approve of the Senate as it is now constituted.

[*Text*]

Mr. Lambert: Mr. Chairman, in opening my brief remarks this afternoon I have found

that there have been some rather wide-sweeping condemnations of the other place, and I am just wondering whether those remarks would have been quite as sincere if some representatives of the Parties in question had themselves been members of the other place. I think that some of the criticisms made of the other place are quite equivocal, and it is because there are particular hobby-horses or axes to grind that we hear such sweeping condemnations.

In a democracy I think it is absolutely essential that we protect the interests of the public from the tyranny of the temporary majority. Majorities are not always right, and I think it is essential that we do have an opportunity for review. In a democracy efficacy is not necessarily the byword. If it does sometimes take a little longer to get something through, certainly that so-called sober second thought is worth while. The Senate is an essential portion of Parliament and I find it absolutely ludicrous and, frankly, presumptuous of Members of this House, who after all form only one third of the constituents of Parliament, to offer such criticisms. According to our constitution, Parliament is composed of the Crown, of the Senate and of the Commons, and we owe one another respect, in accordance with our constitution, as constituting the Parliament of this country. I think it is presumptuous on the part of individuals in this chamber roundly to condemn the other constituent of Parliament, merely because it is fashionable to do so. Certainly suggestions for the improvement and modification of Parliament can be made, but if it is acceptable that we have every right roundly to condemn the other place they in turn have the right to condemn us, without mitigation. In that event I think hon. Members of this House might find themselves somewhat aggrieved if the other place, either as individuals or collectively, were to censure this House continually. I believe that we as a constituent of Parliament owe a certain respect to the institution of Parliament within this democracy.

• (5:00 p.m.)

Having said that, I think that certainly some modifications in the constitution of the other place may be suggested. The hon. Member for Villeneuve (Mr. Caouette) said that his group would consider the age of 70 as a limitation on membership in the other place, because after that a man may be too old. Will he apply the age of 70 to this House?

[Mr. Lambert.]

Mr. Caouette: Would the hon. Member permit a question?

Mr. Lambert: No, I will deal with it later.

Mr. Caouette: Why not? Just one question.

An hon. Member: Are you afraid?

Mr. Lambert: No, I am not afraid. I do not care what age limit the hon. Member wishes to impose upon the other place, but if he says they have no right to be members of the other place because they are too old—

Mr. Caouette: I never said they have no right.

Mr. Lambert: Well, the implication is that they are too old. I am dealing with the criticism and the hon. Gentleman indicated it is the intention of his Party to advance an amendment calling for retirement at the age of 70. I am subject to correction but I thought that was the burden of his remarks. He said that the purpose of setting the limitation of the age of 70 was that by that age a man had gone far past his prime and it was time he retired. If that sort of criticism can be levelled at the other place, it is equally opposite in this House; but I would certainly think it would be most unfair to suggest that because a man had reached the age of 70 he could no longer qualify for membership in this House. Many a world leader and many a worthy leader of this House in years gone by would have found himself cut off when he was really in his prime in the face of such a limitation.

It is true that we have applied an arbitrary yardstick in other fields which compels retirement at the age of 65, but with the advance in science today I am not too sure that is a really valid concept. I think that compulsory retirement at age 65 is a depression complex yardstick, imposed because of a desire to make way for younger persons on the ground that they need the jobs. I cannot fully accept that proposition. Certainly many younger men may be impatient about replacing their elders but I would suggest to hon. Members that we must be very careful about the imposition of an arbitrary retirement age.

There is of course a norm of sorts that is applied in our courts, such as the Supreme Court of Canada and our Superior Courts, which results in the retirement of judges at age 75, the age that is set forth in the resolution. I suppose one might accept the age of 75 as a yardstick, provided this fact is known before appointment to the office. Certainly I think it is more arguable that it is a more

legitimate age for retirement than age 70 or age 65, in that I think it should apply in this House as well as in the other place.

Mr. Caouette: Will the hon. Member permit a question? There is all the difference in the world between the two Houses.

Mr. Lambert: If the hon. Member is trying to make the point that superior intellects and superior beings are the prerogative of this House as opposed to the other place, I certainly do not find that argument acceptable.

Mr. Caouette: Will the hon. member permit a question?

Mr. Lambert: The hon. Member can make his speech again during the next round. Having regard to the limitations of the resolution, I think the resolution puts forward a just proposal to members of the other place, in that those who are now members of the Senate and may wish to retire at the age of 75 can do so on the basis of a pension of some kind. After all, they were appointed to the other place on the understanding and in accordance with the tradition that their appointments were for life, and I think that many of them have made changes in their lives, to their prejudice. I know some members of the other place who have made changes in their lives, to their prejudice, and it would be unfair to say to them now that they must go, and go without a pension. In all fairness I do not think we can take that attitude. I am expressing a personal point of view when I say that.

If hon. Gentlemen of the other place are placed under a contributory pension scheme, it seems to me that this is also fair. A pension scheme or retirement pension is part and parcel of mandatory retirement in any line of endeavour today, unless one is self-employed, in which case one is encouraged to provide for his own retirement on an annuity basis. I would say that such provision must be made for hon. Members of the other place if we are going to get men from all walks of life. In that regard may I say that I do not think the other place should be preserved for retirement from this House. I think the composition of the Senate has perhaps been somewhat limited. The ins always say it is quite all right to appoint those of one's own political party but when they are in the outs it is a different story. I could use the old adage that there is no greater traditionalist or reactionary than the rebel who has assumed power. In my view there should perhaps be wider representation in the other place, but should a man be disqualified simply because he belongs to a certain political party? In the other place there have been and are at this time eminent representatives of various types of organizations and interests, and their appointments have been made on that basis rather than the fact that they have been members of a particular party.

• (5:10 p.m.)

Somehow or other I fail to see why, because an hon. Member has reached a certain stage of service in this House and it is felt perhaps he should take a less demanding role, and is then appointed to the other place, the position of the other place suffers thereby. I do not understand this glib assumption that because one is a politician or has been a Member of this House he is therefore some sort of second class or second rate citizen. I do not understand why he should be immediately suspect when he goes to the Senate because he has taken part in the deliberations of this House. There is the suggestion that the Senate is composed of retired ward-heelers or suspect politicians. I reject that theory entirely. We have seen very able men who have retired from the hurly-burly, the more demanding pace of this House, and who have gone on to render great service to Parliament.

Personally, I should like to see more Government business initiated in the other place. Personally, again, I should like to see Members from the other place represented on the treasury benches, as is done in Westminster. They have Members of the House of Lords, up to one third of the Cabinet, participating in the Cabinet. There are other Ministers or Parliamentary Secretaries who cover for them in the House of Commons. I feel this is quite legitimate. I should like to see more Members from the Senate participating in the Cabinet. I am expressing a personal point of view. I should like to see as well more of the non-financial business of the House start in the other place.

Now, Mr. Chairman, I think that in the main this measure meets with general approval of the House. There may be matters of detail—I said "general approval of the House", but there are some hon. Members who feel that the other place should be abolished. Well, perhaps somebody in the other place might stand up one of these days and say the House of Commons should be abolished. I do not know that anything is gained by debate at this level. I therefore limit my discussion at this time. When we

are able to see the Bill there may be some provisions which will require further discussion.

Mr. Howard: It will be recalled, Mr. Chairman, that I had some comments to make about the Senate in the immediately preceding session during the course of the consideration of the estimates. I do not want to go over that ground again at this time. However, we have before us a specific measure upon which I should like to make a few comments. The gist of it is that Senators should be retired at age 75. Whether or not this measure is to apply in the future or retroactively to those who are there now is really immaterial to the main point.

This leaves me in a bit of a quandary as to how to approach this resolution, because it has always seemed to me that as soon as a person was appointed to the Senate he became retired whether he was 35 or 45. We only have to look at many of the recent appointments, both by the Government now in office and its predecessor, to see that that is exactly the case. People appointed to the Senate suddenly slip into oblivion, and are content to live the easy life of retirement and get a decent income for the rest of their lives. It seems a bit ridiculous to be talking now of putting into effect the retirement plan at age 75 when these gentlemen over there are retired almost as soon as they enter the hallowed halls of the other place. People refer to the other place but, unfortunately, I cannot bring myself to referring to it in this way. This has always seemed to me to be similar to lawyers calling each other learned gentlemen, with a sneer on their face. I would sooner refer to it as the Senate, which is what it is, and not try to upgrade it or degrade it by referring to it as the other place.

The implication of the measure before us is that a person who is appointed to political office ceases to be of any value in that office once he becomes 75. Age, as was mentioned by the hon. Member for Edmonton West, seems to be indicated as a factor which impinges upon the faculties. Perhaps the thought is that one becomes relatively valueless after 75 and therefore a retirement age should be set. If this is the thought behind the measure, then I submit we should have before us a companion measure to retire Members of Parliament at age 75. After all, we place a limit on the other end. We say that people below the age of 20 are not competent enough, do not have enough acumen, to sit in this place. I feel therefore we should place a limit at the other end and have before us a companion piece of legislation. The application of it is identical. It does not really matter that people get to one place by the political selection of the Government in office and to the other place in the normal process of election. The implication is that a person at age 75 is not competent enough to sit in the legislative bodies of this nation. We should I submit make that applicable to this House as well as to the Senate.

[Mr. Lambert.]

One of the parts of the measure now before us in the resolution constitutes a bribe, because what we are in effect attempting to do is to offer the Senators who are there now a bribe of $8,000 a year if they will retire at age 75. They do not have to make any contribution toward this pension. A Senator who is now 50 years of age can attend one session of the Senate once every two years and at age 75, without contributing a single cent, can leave the Senate and draw $8,000 a year. If there is going to be an annuity or something of this nature, to induce Senators to retire at age 75, then I submit it should be a contributory plan. They should avail themselves of the Members of Parliament retirement allowance and contribute just the same as the Members here contribute to a pension, and just as Senators who are appointed in the future will be required to contribute. To ask Parliament to grant $8,000 per year as a gift to any Senator who wants to retire at age 75 is going a little bit too far, being a little bit too lenient, with the taxpayers' money.

Heaven knows, a Senator receives a good pension as it is now, without tossing this extra amount of money down the drain. I think it is not simply a question of retiring Senators in the future at 75, as much as it is offering to the Senators at the moment a bribe to retire at age 75 if they desire to do so, or offering a potential bribe in the future if they will only give speedy passage to this particular measure which is being presented to us.

• (5:20 p.m.)

There has been a great deal of discussion about reform of the Senate and about the necessity for having respect for it, but I submit that respect is a thing which must be earned, and if the Senate does not have much respect for itself I do not see why it should require other people, including Members of this House, to have respect for it.

To me the Senate, by its past actions, is beyond reform. It is not possible to reform it, no matter how much we juggle the rules. Recently I read perhaps as decent and succinct an analysis as one could find of the Senate called, "The Senate of Canada—a Political Conundrum," by John Napier Turner. Incidentally that is the same name as the Parliamentary Secretary, the hon. Member for St. Lawrence-St. George. Whether it is the same person or not I could not say, but I am sure if it is not he will stand up in his place one of these days and deny he ever wrote such an article as this, which rips the Senate fore and aft and ridicules it as a rather useless entity and appendage to our political system.

I shall not read any excerpts from his article, which was published in 1961, not too long ago; but for a person with the ability and knowledge of the hon. Member for St. Lawrence-St. George it would indeed be strange if he has changed his mind in the short period of four years, since he wrote such a devastating, ridiculing article about the Senate.

Mr. Herridge: Was he a member of the Liberal Party then?

Mr. Howard: It is difficult to say whether he was or not at that time, but it is a fact that once one becomes a Member of the Liberal party one always looks for higher things, and when one becomes a Parliamentary Secretary there are no bounds to one's ambitions and hopes. Perhaps those who do not find their way into the Cabinet may discover they are valueless to the Cabinet and so they get to the Senate, and maybe this is the ambition of some Members on the other side.

Some hon. Members: Oh, oh.

Mr. Howard: Mr. Chairman, these mutterings on the other side should be expressed in a formal way so that the whole chamber can be appraised of the pearls of wisdom these hon. Gentlemen have respecting the measure before us.

If we want to reform the Senate, if there is a serious desire on the part of the Government to reform the Senate, then I submit the approach it should take is not to piddle around with this halfhearted, weak-kneed measure here, but to place the Senate on an elected basis, the same as is the situation in the United States.

I am not drawing an exact parallel between the political system down there, and saying it should apply here, but if we are to have a Senate that is worth while, a Senate that will fulfil the role conceived for it by the Fathers of Confederation, a Senate that is representative of political thought in this nation, a Senate that is to be somewhat representative of political opinion in the provinces, a Senate that is to be a useful functioning part that would gain respect within our political system, we should abolish it as an appointed political body and elect ten members to it from each Province, so that all Provinces would have equal representation in it.

By establishing whatever political boundaries are necessary within the Provinces for electoral districts we would have Members elected from within the Provinces. I am not concerned with details such as that, but if we were to place the Senate on an elected basis we would have another functioning body in our parliamentary system for which we could have respect, and which would be on equal terms, as it were, with Members in this place, because periodically Members of such a Senate would have to go back home and justify their existence to the people—and it is only the people who count in a political system, it is only the people's welfare and wishes that count in a political democracy.

As it is now, the people in the Senate have to give justification to no one. They can be as incompetent as they like, as lazy as they like, and as disrespectful of their positions as they like. They may not even bother to attend sessions. They can loll in their offices all day, and even not show up on the premises for months on end. There is no accounting to any one, and this is not sensible or reasonable in a political democracy.

Senators should have the responsibility to go back periodically to the electorate to justify their existence, and if the electorate feels they have been doing a reasonable job and they are re-elected, then well and good. If the electorate decides to change the Senators, then well and good too; because that is the essence of the political democracy built up in the western world over many centuries, namely, the opportunity of the people to make the final choice. But so far as the Senate is concerned the people do not have the opportunity to make the final choice. The people have no opportunity to make any choice whatever because the Senate is a haven for broken down political hacks, party givers and people who become relatively useless in political life elsewhere.

I am not in favour of the resolution before us. The position of our party is clear, namely

that we should abolish the Senate. We feel this is fraught with some difficulty because we will have to get the consent of the Senate itself in order to abolish it; but where there's a will there's a way, and I submit that if the Government had a sincere desire to do something worth while for the Senate it would withdraw the resolution presently before us and put something on the order paper that had some meat in it, that would reflect its sincere and honest desire for reform. But perhaps it is asking too much for this Government to be sincere or to be honest.

Mr. Nugent: Mr. Chairman, I would give much on this occasion, as on many others, to be able to speak with that firm determination, that absolute certainty of mind that the previous speaker exhibited. I hope I am not being too unfair to him when I suggest to Members of the Committee that one of the reasons I cannot speak in that way is that I feel that on both questions there is some doubt, and even on those questions where I think the balance of the argument is pretty preponderant on one side, there is usually enough doubt that I could not speak with that amount of certainty.

But did I belong to the hon. Member's Party perhaps I could understand him. They, after all, not only have no Members in the Senate, but I am sure most hon. Members will agree that under our present political system they are never likely to be in the position to get a Member of theirs in the Senate. It is therefore with some scepticism that we heard this last remark of the hon. Member about honesty and sincerity. We know that in the views of the Members of that Party only those in the N.D.P. are honest; and therefore, since there are no Members of that Party in the Senate, undoubtedly you would search in vain to find an honest Senator.

We have heard the hon. Member for Winnipeg North Centre, as well as the hon. Member for Skeena, reflect the view that it is only the members of the N.D.P. who are intelligent, and therefore how could we expect any intelligent contribution to the Parliament of Canada from that part of our Parliament which has no representation from that Party? I am sure that, considering the certainty with which those hon. Members speak on any and every subject which comes up, we all realize it is only the members of the N.D.P. who take the trouble to get themselves informed on any subject. It is only they who, indeed, are qualified because of their vast knowledge and experience in every line of endeavour from banking to ditchdigging to give advice on each and every point, and we cannot expect anything like the same standards from the other House because there are no members of the New Democratic Party in it. While members of that party are much too modest to tell us how hard working and diligent they are, I infer, sometimes, from the way in which they tell us that Members of this House or in the other House have not really applied themselves to their tasks, that they feel they have a monopoly when it comes to diligence and hard work, and that this being the case it would be useless to expect diligence and hard work from any Member of the other place. Feeling so convinced, on such very strong grounds, that the Senate is useless, they would naturally feel they were being less than honest if they were to suggest that any Member of the other place was worthy of his hire. Since the virtues I have mentioned are the sole prerogatives of the New Democratic Party it follows that they are completely absent from the other place. Therefore, I for one have no doubt as to the absolute sincerity of the hon. Member for Skeena and the hon. Member for Winnipeg North Centre in feeling it is their bounden duty to hound the other place out of existence. I think they honestly believe that any legislative body in this country upon which their Party is not represented must lack virtues which most of us feel are most important, if not essential, in any legislature.

• (5:30 p.m.)

However, I cannot myself speak with such a degree of certainty as the hon. Member for Skeena and his friends. In the same way I have reservations, for instance as to whether the age of 21 is really a better choice than the age of 18 when it comes to eligibility for voting. The question of the abolition of the Senate is one on which arguments could be made from both sides. But knowing something of what has gone on in the other House, having from time to time taken the trouble to listen to some very fine and informative speeches in that chamber, having read something of the work of its committees and knowing something of the dedication to democracy, the tremendous background of experience and information which those hon. gentlemen have brought to bear on the task before them, I am left in some doubt as to my willingness to agree with the hon. Member for Skeena, the hon. Member for Winnipeg North Centre and, indeed, with their

whole Party, that these men and women are somehow an inferior class. In fact, some of us who are capable of a touch of modesty—and I know the hon. Member for Skeena will find this hard to understand—sometimes feel we could learn a lot by listening to the voice of experience.

I found many of the statements made by the hon. Member for Skeena most insulting to the other House. I will admit there are Members of the Senate who apparently, from what I have been able to observe, do not work as hard as do some others. I have seen evidence from time to time that some are more capable than others. But I do resent, almost as a friend might, the insinuation that we should take for granted that there is no one in the other House who makes a worthwhile contribution, and that this is equally true of the work of the Senate as a whole.

I will say this: The method and the manner in which the hon. Member for Winnipeg North Centre uses his knowledge of the rules of the House, the interpretation he sometimes places on those rules in order to give a political twist to some of the questions facing us while seeming to insist that politics is the subject furthest from his mind, is entirely consistent with the arguments he and his friends now present in connection with the Senate. It is of course democracy they are interested in. The country should be run on the direct say of the electors.

Well, I believe this approach just as much as I believe so many of the hon. Member's arguments on the rules. It is the application which counts, and since there is no application of political appointments of supporters of the N.D.P. to the Senate either now or in the foreseeable future, this cannot be other than a very bad state of affairs and it should be changed. I am absolutely convinced, too, that the honesty of the hon. Member will remain intact should he and his friends suddenly be in a position to make appointments to the Senate. His honesty would remain intact because he would be overwhelmed by the new arguments which his agile mind would suddenly find applicable to the new circumstances.

However, I do not wish to deal at any length with arguments for or against the abolition of the Senate, because the resolution really asks whether or not Senators should retire and proposes the manner in which this might be arranged. Most of us who were in the House when a bill to retire judges was brought down heard some valuable contributions on the question of how valid is the argument that retirement should be compulsory on the basis of age alone. I am sure there are many here who have met people considerably over the age of 75 who are as mentally alert as men half that age. Sometimes they are as physically fit, too. Indeed, most of us are acquainted with men unfortunate enough to have encountered the aging process early in life; we have seen signs of positive senility in people of 50 years of age.

There are considerations we must take into account before we arbitrarily pick a retirement age of 70, 75 or 80 years. The question is whether the age of 75 is the right age to pick? This question only arises when we decide there is need to apply an age limit at all. I think the same reasoning which persuaded this House to apply an age limit to judges should persuade us now that it is a good idea to apply an arbitrary age limit in the case before us. It is true we are likely to lose the services of some who are still rendering most valuable assistance and who, with respect to many of the subjects we discuss here, make more intelligent contributions than 75 per cent of the Members of this House.

• (5:40 p.m.)

By passing this Bill we are going to say that, no matter how valuable their contribution in the past, no matter what may be the treasure-house of knowledge, experience and wisdom that we might expect in the future from such great people as these, we must do without it because the danger of allowing people to stay on there is greater than any benefit we can experience.

I suggest that before the House can pass this measure we must recognize and accept that argument; and I do not advance that argument on the basis that these people are lazy, that the Members of the Senate go there to retire, that there is not in our parliamentary system a positive need for a second House. The question is simply that on the average and over the long run by the age of 75, even with the advance of modern medicine, we find that in the vast majority of cases men and women are so much past their prime that the odds are very long indeed that they will give that invaluable contribution that we ask from those senior Members in the second House. In other words, while we are getting to be a younger nation and perhaps the demands of youth are taking more prominence, the situation simply is that we want to retain all the experience and the benefit of

the older, wiser and perhaps more stable people in our community, those who have gained pre-eminence and have earned an appointed which depends, not on popular vote, but is earned because of their dedication to public service and the confidence the Government of the day has in their devotion to our democratic systems and the belief in the use they will be to our Parliament. These are the qualities that give them their jobs; these are the qualities that we have asked them to have; these are the reasons, we say, that we rely on them implicitly.

Despite these qualifications and these reasons for their appointment, however, we are saying that we do not want an old fogey point of view, shall I say. We want a limit on the extent to which, shall we say, old age can influence their deliberations. Perhaps we want a limit on the length of time that a person may take to make up his mind. For any and all of these reasons, we feel that we cannot allow the Senate to take the risk of going beyond a certain age limit; that if we left the age limit off, the odds are that we will get an inferior type of person, rather than once in a while a really superior person of whom we, by this Act, would deprive ourselves.

I am a little puzzled, I must confess, as to why the resolution is directed at those who are going to be appointed after the coming into force of this act. I think the suggestion to the President of the Privy Council is a little unkind when we call it a bribe to get the present Members to retire, but I must confess that it does seem a most accurate description. As soon as I say that, I want to say that I do not mean it in any unfriendly way because the main argument is, I am afraid, that we do wish some who are now sitting, who are beyond that age limit, to retire. But there are many, or at least I believe there are some, who are beyond that age limit who have perhaps been improvident—although many there are very well off—and who took the employment in the belief that it was theirs for life, and that therefore they did not have to make other financial provision for a different type of livelihood when they had finished with it, who could not now support themselves, their wives or their families in anywhere near the manner to which they have grown accustomed. In fact there may be some who would find it extremely difficult to support their families in any fitting manner whatsoever. I think, then, to suggest, when it is said that we must do something for these

[Mr. Nugent.]

people, that we are being unkind to call it a bribe, is perhaps not facing the realities of the situation. However, I am a little suspicious that this is a very small minority of those who would be affected.

From my personal knowledge of the Senate—and I am afraid I have not had the opportunity or the pleasure of getting to know as many as I would like, and of those I do know, there are some whose financial affairs I do not know very well—but from what I have gathered from meeting Senators and from talks with my colleagues, a great many Members of the Senate are not at all in need of financial assistance. That is an argument, of course, against the necessity for offering them a bribe. If a man is not in need of financial assistance, then a pension would hardly seem to be an effective bribe to offer him. It is only the person who needs a pension that would need, perhaps not a bribe to make up his mind, but a way in which it becomes economically possible for him to follow the expressed wish of Parliament. I think that is a very important distinction. I like to liken it to the difference between convicting the man who is innocent and letting guilty people go free.

It is a most important maxim of our law, in the conduct of our criminal courts, that it is better that ten guilty persons should go free than one innocent person should be punished. I think, in fairness to the President of the Privy Council, before we use the word "bribe" we should perhaps use this type of reasoning; that even if there were only one or two Senators whose retirement might be in the best interests of the country, because they are over age—and I suggest that those who are over age and should retire are perhaps not aware that it is they themselves who are the weak ones in the House—it makes it only just, and not terrible, that we should make it financially possible for them to retire; because when they took on the job it was a contract between them and the Government of a job for life. I suggest that if we substitute the compensation that the Government is going to pay them for their releasing the Government from their part of the contract, we are perhaps getting to—

The Chairman: Order. I regret to interrupt the hon. Member but his time has expired.

Mr. Nugent: May I finish my sentence, Mr. Chairman?

The Chairman: Does the hon. Member have the consent of the Committee to continue?

Some hon. Members: Agreed.

Mr. Nugent: I say, Mr. Chairman, that rather than a bribe it is compensation for their releasing the Government from the Government's obligations under the contract, and we will achieve what I would call a fairer description of the suggestion of pension for these people than the word "bribe" used by the N.D.P.

The Chairman: Shall the resolution carry?

Some hon. Members: Carried.

• (5:50 p.m.)

Mr. Orlikow: Mr. Chairman, it is not surprising that Members on the other side would like to get this resolution passed as quickly as possible, and with probably as little discussion as possible. I do not suppose in the years to come that there will be anything that this Party sitting on the other side, this great Canadian Party which has given such leadership to this country for so many years, will be so ashamed of as this proposal. I do not know for how many years—one would have to search the records—they have talked of Senate reform. Their great leaders, like Mr. Mackenzie King, could talk out of both sides of their mouths so ably that you could quote them on any subject; but they have told us what they would do and how they would do it. And what do we have here, Mr. Chairman? A proposal to bring in a bill which from now on means, after the bill is passed, that Senators will have to retire at age 75. But those great people now in the Senate can stay on or retire on an annuity of $8,000 a year.

I do not suppose in the history of Canada that there has been a worse group of Senators appointed to the upper chamber than those appointed by this Government in the short period of time it has been in office.

Mr. Brewin: That is because you are so familiar with them.

Mr. Orlikow: The hon. Member for Greenwood says it is because I am familiar with them. I hope that is the only reason; because it is inconceivable, to me at least, that worse ones were appointed in other years.

I am surprised by this, because there are some people in Canada who are Liberal Party supporters who do have ability. One has only to look at the universities of Canada to find a professor of history, or a professor of economics, or a doctor who is a Liberal. One would think, after all the fine speeches which have been made on the other side of the House, that some of these good people could have been appointed to the Senate since this Government took office so that they could have raised the standard of ability and quality in the other House.

I am not going to go into details today, but before this legislation passes we are going to put on the record the kind of people who have been appointed. One of the new Members is a very young man—I will not mention his name—who is still in his early forties. What is his great distinction, and the quality for which he has been appointed to the Senate—to a post where, as there seems to be something about the Senate which is conducive to old age, being in his early forties he can sit for another 40 years? What is his great quality or ability, this great service he can render to the Canadian people? He was the fund raiser in charge of the pork barrel of the Liberal Party in Ontario, which really makes him a good person to put in the Senate of Canada. That it the kind of person who has been appointed, Mr. Chairman.

What we have to realize with our present set-up, which will be such as long as this country is unfortunate enough to have the party opposite in power, is that we have a Senate, a second chamber, which has the kind of power which no other second chamber, to my knowledge, has in any other parliamentary system in the world. After all, in Great Britain, about whose customs and history we are so proud and which we emulate so often, in words if not in spirit, it is now almost 100 years, certainly more than 50, since the power of the House of Lords was clipped. The power of the House of Lords is very limited. I am speaking from memory, and I will go into this in detail at the appropriate time, but in the passage of legislation the matter becomes law on the second presentation to the House of Lords, whether that chamber agrees with it or not. But in Canada the Senate has practically as much power as the House of Commons.

These Senators are people who are appointed for life, many of them with very little qualifications. They have the right, the opportunity and the ability to stop cold legislation which the elected House of Commons may want to pass. Let this Government have the courage—which it has not—to propose a real medicare plan and you will see pressure brought upon the Senate from insurance companies and medical associations to cut the guts out of such a plan. And what will this

Government do if it ever has the courage to bring that kind of legislation before the Senate? Nothing.

I would have thought that before this Government brought in this proposal it could have learned something from the Province of Quebec. There they have a second chamber, an appointed chamber. The government of Quebec wants to establish the principle—a very sound principle which I wish the Prime Minister would think about some time—that the second chamber should not have the power which the elected chamber has. Because the Executive Council of the Province of Quebec has refused to pass certain legislation, the Government of Quebec is going to the Queen with a proposal that the Queen enact legislation to reduce the power of the appointed Executive Council in the Province of Quebec. Why does not the Government of Canada, this so-called great Liberal Government, propose that the power of the Senate of Canada be reduced, as it has been in every other country which has a democratic system of government? They have not done so, Mr. Chairman, because they have not got the courage. They do not mind a second chamber which has the power and authority to keep in check any proposals which in future years may come from an elected House of Commons.

I should like to say on behalf of the Members of this group that not only will we oppose this resolution but that I hope, indeed I expect, that we will fight the Bill when it comes in, clause by clause. Because I think it is a farce, a disgrace and a fraud on the people of Canada.

The Chairman: Shall the resolution carry?

Mr. Orlikow: Six o'clock.

The Chairman: It being six o'clock and in view of—

Mr. McIlraith: Mr. Chairman, may we rise and report progress?

The Chairman: Shall I rise and report progress and request leave to sit again at the next sitting of the House?

Some hon. Members: Agreed.

Progress reported.

PROCEEDINGS ON ADJOURNMENT MOTION

SUBJECT MATTER OF QUESTIONS TO BE DEBATED UNDER ADJOURNMENT MOTION

Mr. Deputy Speaker: It being six o'clock it is my duty, pursuant to Provisional Standing Order 39A, to inform the House that the questions to be raised at ten o'clock this evening are the following: the hon. Member for Danforth (Mr. Scott), industry, benefits of Canada-U.S. automobile agreement to Canadian consumers; the hon. Member for Cape Breton South (Mr. MacInnis), labour conditions—

Mr. MacInnis: Mr. Speaker, a question of privilege.

Mr. Deputy Speaker: Order, please. The hon. Member for Timmins (Mr. Martin), income tax, acceptance of statements respecting charitable donations.

Mr. MacInnis: Mr. Speaker, on a question of privilege, on the thirteenth of this month when I gave notice to debate a matter pertaining to unemployment at Louisburg Mr. Speaker ruled, as reported in the last sentence on page 302 of *Hansard*:

> I am afraid there is nothing before the House to debate at ten o'clock.

This, Sir, constitutes a ruling on the request I made at that time. I was further informed that this matter was out of order. For some unknown reason this snap decision was taken. I made a legitimate request, one which I do not repeat at this time since the urgency of the matter has been removed. I see no reason why I should be put in such a position as this, having been denied the privilege of debating the matter according to the rules on the thirteenth, when it was ruled out of order by Mr. Speaker, and is now being brought forward, after some considerable thought on the part of the Speaker, who has now decided it is in order.

Mr. Deputy Speaker: I assume the hon. Member has unanimous consent of the House not to proceed with this question at this time. Is it agreed?

Some hon. Members: Agreed.

• (6:00 p.m.)

Mr. Knowles: I wonder whether, if the House is in an agreeable mood, we might not also agree to postpone the other items until tomorrow night, in view of certain uncertainties tonight at the end of the presentation of the Budget?

Mr. Deputy Speaker: Is it agreed?

Some hon. Members: Agreed.

At six o'clock the House took recess.