



Debates of the Senate (Hansard)

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The Honourable Noël A. Kinsella, Speaker

Constitution Act, 1867

Bill to Amend—Report of Special Committee on Motion to Amend— Debate Continued

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006.—(*Honourable Senator Di Nino*)

Hon. Pat Carney: Honourable senators, I am speaking today as a senator from British Columbia on the motion of Senator Lowell Murray, seconded by Senator Jack Austin, to amend the Constitution of Canada to increase western regional representation, which is a laudable goal.

This motion is now at the debate stage, in accordance with the process followed for amending the Constitution. It is a timely debate.

Twenty-six years and one month ago, I gave my maiden speech in the other place as the newly elected member of Parliament for Vancouver Centre. On that occasion, October 23, 1980, I spoke with the proud passion of a new parliamentarian on the Canadian

Constitution and B.C.'s place in Canada. Now, time may have moderated my presentation, but time has not moderated my passion, or my position.

Twenty-six years ago, the constitutional debate involved a proposed amending formula that required that any changes must be approved by a province with at least 25 per cent of the country's population, vesting constitutional change and the right to set the terms of Confederation in the central Canadian provinces of Quebec and Ontario only. B.C. and other provinces would be relegated to second-class status. I argued then that this was unfair and inequitable. Canadians subsequently rejected the proposal.

The constitutional amendment proposed in the motion before us, like the 1980 proposal, would enshrine the establishment of second-class status for British Columbians. This Senate must reject that motion. British Columbians will reject it, I have no fear of that.

The motion, while described as correcting an inequity by adjusting B.C.'s historic under-representation in the Senate, would in fact perpetuate that inequity far into the future. Senator Murray claims that the resolution will focus attention "on an issue of fairness to Western Canada." Senator Austin, a B.C. senator, calls it "a fair and equitable measure, which will build goodwill."

Yet the motion would give British Columbia exactly half the number of senators it is entitled to under its hard-won status as a region. That status was wrestled from a Liberal government in the 1996 Constitutional Amendments Act, which was amended to acknowledge the reality of British Columbia as a distinctive fifth region. At that time, I noted that B.C., while defined as a region, has only six senators compared with 30 from the Atlantic region and 24 from the regions of Quebec and Ontario. I asked on December 14, 1995, "Is that fair? Is that equal?"

We are now faced with yet another attempt to deny British Columbia, an economic and cultural engine of growth, its fair and equitable place in Confederation. Let us be clear here: We are talking about Senate votes, not just Senate seats. We are talking about fair and equitable representation in the Parliament of Canada, consistent with our population and contribution to our country.

At present, the Senate is composed of 105 members, 24 each from Ontario and Quebec, 30 from Atlantic Canada, 24 from the West, including B.C., and 3 from the northern territories.

The motion proposes that the Constitution Act, 1867, be amended to recognize B.C. and the Prairie provinces as regions to be separately represented in the Senate. The Senate would then represent five regions, plus the three territories. Fair enough, since the change is in line with the 1996 Constitutional Amendments Act.

However, only 12 additional seats would be added, distributed among B.C. and the Prairie provinces. The total number of seats in the reformed Senate would be increased to 117.

Senator Tkachuk has done the math. He has noted that the three founding regions of Quebec, Ontario and the Maritimes each have 24 Senate seats. The motion proposes that the Prairie provinces be recognized as a region with 24 senators. However, British Columbia, the Pacific region, would receive only 12, not the regional entitlement of 24. Thus, Senator Tkachuk asked the right question:

...given the argument that B.C. is a region, why would it be only considered half a region with 12 senators, when it really should have 24?...A region is a region is a region; you do not have a region and half a region.

Senator Austin gave the wrong answer on June 27, when he said:

As to the 12 versus 24, quite frankly, I believe that 24 senators for British Columbia is an imbalance in the Western Canadian formula. It is logical in the sense of the past, but I believe that, for the time being, 12 senators are acceptable to the regions of the country and its political leadership. As British Columbia may grow and become a more significant economy and a larger population, as Senator Murray has said, a fair and equitable representation is a subject that can be re-addressed at a future time.

Apparently, Senator Austin has chosen to ignore the fact that B.C.'s Premier Gordon Campbell publicly stated in June that B.C. should be treated as a fifth region, with 20 per cent of the Senate seats.

At present, B.C. has 13.2 per cent of Canada's population, but B.C.'s six Senate seats account for only 5.7 per cent of the Senate. The 12 proposed by the motion in question would increase that to 10.3 per cent of Senate seats. In contrast, Newfoundland and Labrador would retain their six Senate seats, with only 1.6 per cent of Canada's population. New Brunswick, with 2.3 per cent of the population, would retain its 10 seats.

Let us translate that into votes. Votes matter. Votes determine which bills are passed into law and which are defeated. Regional voting power matters. In the Senate, whose powers equal those of the lower House, with few exceptions, the Atlantic region, with less than half of B.C.'s population, would retain its 30 senators, or 25 per cent of Senate votes. In comparison, B.C.'s 12 senators would be underrepresented with 10.3 per cent of possible Senate votes. Again, I repeat the question I asked in 1995. Is that fair? Is that equal?

(1650)

It is my position that the Murray-Austin proposal is neither fair nor equitable. Why should B.C. — Grey Cup champions that we are — not go for the whole 10 yards? Senator Murray says this inequity can be addressed at a "future time." When might that future time be?

Senator Murray: When you put your lighthouse bill through.

Senator Carney: Senator Murray has already told us that time stood still after the Constitution Act, 1915, created the western division, with 24 seats equally divided among the four western provinces. He told us:

The process of adjustment to reality in western Canada stopped in 1915. In terms of western representation, the Senate has stood still for more than 90 years. The geographic, demographic, cultural political and economic realities of western Canada are under-represented in this place.... in that respect we are deficient as a national institution.

I applaud the sentiment.

Why would Senator Murray wish to extend that inequity for possibly another 90 plus years, given the three years required to process a constitutional amendment, until the year 3000 and the 22nd century?

Senator Austin argues that less populated provinces, such as the four Atlantic provinces, are entitled to a larger role in the Senate to offset the dominant legislative role held by the large provinces of Ontario and Quebec. His logic suggests that B.C., with less population, should have more senators than the central Canadian provinces, not fewer, but that is not what he is proposing.

Honourable senators, constitutional reform is not simply a numbers game to be continually calculated and recalculated to reflect demographic and economic shifts in the country. Canadians, from the Fathers of Confederation to the present time, accept that we are a nation of regions. It is regional balance, regional fairness and the elimination of regional inequities that should be our goal. This motion does not achieve that, and therefore it is doomed to failure if it is launched on an unsuspecting country to debate.

It is worth noting that if the 1980 constitutional amendment had passed, limiting changes to Quebec and Ontario, this entrenched inequity could pass without the consent of British Columbians.

I would say that the Senate's prime roles are to protect the Constitution, minority rights and the regions of Canada. Let us carry out our responsibilities to Canadians by rejecting this unfair and inequitable motion or amending it to allow B.C. the 24 Senate seats that its regional status entitles it to have.

On motion of Senator Tkachuk, debate adjourned.