

to exercise police functions, but implies that such functions may not be exercised in respect of any person who is not a member of the visiting force. This section could be interpreted as depriving members of a visiting force of the powers of arrest which every person in Canada, whether citizen or visitor, has under sections 434, 436 and 437 of the Criminal Code. These sections, as honourable senators may recall, have to do with the right of arrest without warrant when, for example, a person is found committing a criminal offence.

For the information of honourable senators, I must add that in the final drafting of the bill it was omitted to add sections 38 and 41 of the Criminal Code, which have to do with the defence of property and which empower a person to defend property, prevent trespassing and so forth. It is the intention that when the bill is referred to and discussed in committee an appropriate amendment to that effect will be moved.

Part III deals with claims for personal injuries and property damage. It provides that a claim against a visiting force shall be dealt with as a claim against Canada. The present drafting of section 16 is faulty and requires amendment to make it clear that the whole of the Crown Liability Act applies to claims arising out of the activities of visiting forces in Canada.

A new section 16A is required to ensure that a member of a visiting force would be in the same legal position as a member of the Canadian Forces in respect of an injury or death occurring in Canada for which a pension is payable; that is, a claim would not lie against Canada if a pension is payable by the sending state in respect of such injury or death.

Section 18 requires amendment to enable Canada to deal with claims arising out of the navigation or operation of a ship belonging to a visiting force in accordance with any agreement Canada may make with a sending state concerning the handling of such claims.

Section 19 requires amendment to remove the present absolute requirement to submit certain questions to arbitration. It should be

possible to settle such questions by negotiation and only refer to arbitration if negotiation is not successful.

The NATO Agreement is attached to the Visiting Forces (North Atlantic Treaty) Act as a schedule. The whole of the Agreement would be removed from the act but its continued validity would be assured by section 29(2).

The proposed act will, in my opinion, be a much more effective legislative vehicle for regulating the activities of visiting forces in Canada than are the acts which it is proposed should be repealed.

On motion of Hon. Mr. Macdonald (Cape Breton), for Hon. Mr. White, debate adjourned.

### BUSINESS OF THE SENATE

**Hon. John J. Connolly:** Honourable senators, I have received no further word with reference to the progress of supply in the other place. In the circumstances, and after conferring with the Acting Leader of the Opposition (Hon. Mr. Choquette), I suggest that the Senate do now adjourn, to reassemble at the call of the bell at approximately 9.15 this evening.

The Senate adjourned during pleasure.

At 10.05 p.m. the sitting was resumed, Hon. Maurice Bourget, Acting Speaker, in the Chair.

**Hon. Mr. Connolly (Ottawa West):** First, may I thank honourable senators for their patience in waiting this evening. We really did not know until 10 o'clock whether there was any possibility of our considering the interim supply bill tonight. However, it is quite clear now that there is no such possibility.

I therefore move, with leave, that when the Senate adjourns tonight it do stand adjourned until Monday, November 14, 1966, at 8 o'clock in the evening.

The Senate adjourned until Monday, November 14, at 8 p.m.