

Standing Committee on External Affairs and National Defence that there will be a review of national defence policy by way of a white paper to come down some time in the fall of 1980. However, a decision on a new fighter aircraft for Canada is required now and the government is confident that whatever the recommendations of the defence review, the flexibility of the fighter aircraft will be such that it will have the capacity to be employed in any additional or alternate roles or fighter missions that might evolve out of such review.

VETERANS AFFAIRS

PRISONERS OF WAR—QUESTION ON THE ORDER PAPER ANSWERED

Question No. 5—By Senator Molson:

Are veterans who are receiving 100 per cent disability pensions due to wounds received during active duty and who were prisoners of war for over a year entitled to prisoner of war compensation in addition to the disability pension and, if not, why not?

Reply by the Minister of Veterans Affairs:

No.

The Compensation for Former Prisoners of War Act provides that the combined amount of a disability pension under the Pension Act and a compensation under the Compensation for Former Prisoners of War Act shall not exceed an amount equivalent to the amount of a 100 per cent disability pension.

STANDING RULES AND ORDERS

FIRST REPORT OF STANDING COMMITTEE—POINT OF ORDER

Senator McElman: Honourable senators, before the Orders of the Day are proceeded with, I wish to draw the attention of the house to a matter that was dealt with by His Honour the Speaker on Thursday last after I had left the chamber. Had I been present I would have intervened at the time. The matter concerns a point of order raised with respect to an intervention by Senator Bosa on a decision that had already been taken by the Senate. Since the Speaker did not give a ruling on the matter, but simply commented upon it, I feel it is one which, under our rules, can be further discussed.

As background, for those honourable senators who might not have been present on Thursday last, a report of the Rules Committee was under discussion and, by motion of Senator Neiman and in accordance with the decision of the Senate, it was referred back to the Rules Committee for further consideration.

Senator Bosa rose and spoke "on a point of clarification of something that the Senate adopted last Thursday." The following are the salient words:

—which to me seemed to be improper and inconsistent with what the Senate ought to have done at that time.

It was a clear reflection on a decision of the Senate.

During the discussion, Senator Roblin and Senator Smith (Colchester), as well as myself, pointed out that under the long-standing rules of Parliament—and, I may say, of provincial legislatures also—there is a clear-cut practice—in this regard I referred to both *May* and *Beauchesne*—that a member may not reflect upon a decision or a vote taken by a house of Parliament.

In his comments on this matter on Thursday last, His Honour the Speaker said:

—there is a general practice that, if it does not prohibit, it at least discourages, comments, particularly adverse comments, in a chamber such as this concerning an action taken by the chamber.

He went on to say:

This is a non-ruling because I can find no rule which would prohibit an honourable senator rising, with leave, and, having the leave of the Senate, saying almost anything he wishes as long as it is not personal, taxing or sharp.

He went on to emphasize that this was a non-ruling.

It is because I believe it to be of tremendous importance for the order of business in the Senate that I again refer to this question. If honourable senators are permitted to reflect upon votes taken, it could be an unending process.

Erskine May, *Parliamentary Practice*, Nineteenth Edition, chapter XIX, "Maintenance of Order during Debate," at page 424, states:

Reflecting upon votes of the House.

That is the heading:

The objections to the practice of referring to past debates apply with greater force to reflections upon votes of the House, unless made for the purpose of justifying a motion that the vote be rescinded. Those reflections not only revive discussion upon questions already decided, but are wholly irregular, inasmuch as the Member is himself included in, and bound by, a vote agreed to by a majority.

Beauchesne's *Parliamentary Rules and Forms*, Fifth Edition, at page 102, reference 313, says:

A Member may not speak against or reflect upon any determination of the House, unless he intends to conclude with a motion for rescinding it.

Reference 315 says:

It is irregular to reflect upon, argue against, or in any manner call in question in debate the past acts or proceedings of the House, on the obvious ground that, besides tending to revive discussion upon questions which have already been once decided, such reflections are uncourteous to the House and irregular in principle inasmuch as the Member is himself included in and bound by a vote agreed to by a majority; and it seems that, reflecting upon or questioning the acts of the "majority" is equivalent to reflecting upon the House.

Reference 316, at page 103, says: