Canada

Debates of the Senate

OFFICIAL REPORT
(HANSARD)

THE HONOURABLE JEAN-PAUL DESCHATELETS, P.C.
SPEAKER

1968-69

FIRST SESSION, TWENTY-EIGHTH PARLIAMENT
17-18 ELIZABETH II

VOLUME I

(September 12, 1968, to December 19, 1968)

Parliament was opened on September 12, 1968
and was prorogued on October 22, 1969

Queen's Printer for Canada, Ottawa, 1969

The Speaker

THE HONOURABLE JEAN-PAUL DESCHATELETS, P.C.

The Leader of the Government

THE HONOURABLE PAUL MARTIN, P.C.

The Leader of the Opposition

THE HONOURABLE JACQUES FLYNN, P.C.

THE MINISTRY

According to Precedence

October 22, 1969

The Right Honourable Pierre Elliott Trudeau, M.P.	Prime Minister
The Honourable Paul Joseph James Martin	Leader of the Government in the Senate
The Honourable Mitchell Sharp, M.P.	Secretary of State for External Affairs
The Honourable George James McIlraith, M.P.	Solicitor General of Canada
The Honourable Arthur Laing, M.P.	Minister of Public Works
The Honourable Allan Joseph MacEachen, M.P.	Minister of Manpower and Immigration
The Honourable Charles Mills Drury, M.P.	President of the Treasury Board
The Honourable Edgar John Benson, M.P.	Minister of Finance
The Honourable Léo Alphonse Joseph Cadieux, M.P.	Minister of National Defence
The Honourable Jean-Luc Pepin, M.P.	Minister of Industry, Trade and Commerce
The Honourable Jean Marchand, M.P.	Minister of Regional Economic Expansion
The Honourable John James Greene, M.P.	Minister of Energy, Mines and Resources
The Honourable Joseph Julien Jean-Pierre Côté, M.P.	Minister of National Revenue
The Honourable John Napier Turner, M.P.	Minister of Justice and Attorney General of Canada
The Honourable Jean Chrétien, M.P.	Minister of Indian Affairs and Northern Development
The Honourable Bryce Stuart Mackasey, M.P.	Minister of Labour
The Honourable Donald Stovel Macdonald, M.P.	President of the Queen's Privy Council for Canada
The Honourable John Carr Munro, M.P.	Minister of National Health and Welfare
The Honourable Gérard Pelletier, M.P.	Secretary of State of Canada
The Honourable Jack Davis, M.P.	Minister of Fisheries and Forestry
The Honourable Horace Andrew Olson, M.P.	Minister of Agriculture
The Honourable Jean-Eudes Dubé, M.P.	Minister of Veterans Affairs
The Honourable Stanley Ronald Basford, M.P.	Minister of Consumer and Corporate Affairs
The Honourable Donald Campell Jamieson, M.P.	Minister of Transport
The Honourable Eric William Kierans, M.P.	Minister of Communications
The Honourable Robert Knight Andras, M.P.	Minister without Portfolio
The Honourable James Armstrong Richardson, M.P.	Minister of Supply and Services
The Honourable Otto Emil Lang, M.P.	Minister without Portfolio
The Honourable Herb Gray, M.P.	Minister without Portfolio
The Honourable Robert Stanbury, M.P.	Minister without Portfolio

PARLIAMENTARY SECRETARIES

To the Prime Minister	James E. Walker, M.P.
To the Minister of Agriculture	Florian Côté, M.P.
To the Minister of Consumer and Corporate Affairs	Paul Langlois, M.P.
To the Minister of Energy, Mines and Resources	Robert J. Orange, M.P.
To the Secretary of State for External Affairs	Jean-Pierre Goyer, M.P.
To the Minister of Fisheries and Forestry	Eugene F. Whelan, M.P.
To the Minister of Indian Affairs and Northern Development	Russell C. Honey, M.P.
To the Minister of Justice	Jean-Charles Cantin, M.P.
To the Minister of Labour	James C. P. McNulty, M.P.
To the Minister of Manpower and Immigration	Rosaire Gendron, M.P.
To the Minister of National Defence	David W. Groos, M.P.
To the Minister of National Health and Welfare	Stanley Haidasz, M.P.
To the President of the Privy Council	Yves Forest, M.P.
To the Minister of Regional Economic Expansion	Martin P. O'Connell, M.P.
To the Solicitor General	Charles L. Caccia, M.P.
To the Minister of Transport	Gérard Loiselle, M.P.

PRINCIPAL OFFICERS OF THE PRIVY COUNCIL

Clerk of the Privy Council and Secretary to the Cabinet	R. G. Robertson
Deputy Secretary to the Cabinet (Operations)	M. A. Crowe
Deputy Secretary to the Cabinet (Plans)	P. M. Pitfield
Assistant Clerk of the Privy Council (Orders-in-Council)	J. L. Cross

SENATORS OF CANADA

ACCORDING TO SENIORITY

October 22, 1969

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
WALTER MORLEY ASELTINE, P.C.	Rosetown	Rosetown, Sask.
JOHN WALLACE DE B. FARRIS	Vancouver South	Vancouver, B.C.
SALTER ADRIAN HAYDEN	Toronto	Toronto, Ont.
NORMAN MCLEOD PATERSQN	Thunder Bay	Fort William, Ont.
LÉON MERCIER GOUIN	De Salaberry	Montreal, Que.
JOHN JAMES KINLEY	Queens-Lunenburg	Lunenburg, N.S.
ARTHUR WENTWORTH ROEBUCK	Toronto-Trinity	Toronto, Ont.
GEORGE PERCIVAL BURCHILL	Northumberland-Miramichi	South Nelson, N.B.
JEAN-MARIE DESSUREAULT	Stadacona	Quebec, Que.
GORDON B. ISNOR	Halifax-Dartmouth	Halifax, N.S.
MICHAEL G. BASHA	West Coast	Curling, Nfld.
MURIEL MCQUEEN FERGUSSON	Fredericton	Fredericton, N.B.
SARTO FOURNIER	De Lanaudière	Montreal, Que.
JOHN J. CONNOLLY, P.C.	Ottawa West	Ottawa, Ont.
DONALD CAMERON	Banff	Edmonton, Alta.
DAVID A. CROLL	Toronto-Spadina	Toronto, Ont.
THOMAS D'ARCY LEONARD	Toronto-Rosedale	Toronto, Ont.
FRED A. MCGRAND	Sunbury	Fredericton Junction, N.B.
CALIXTE F. SAVOIE	L'Acadie	Moncton, N.B.
DONALD SMITH	Queens-Shelburne	Liverpool, N.S.
HAROLD CONNOLLY	Halifax North	Halifax, N.S.
FLORENCE ELSIE INMAN	Murray Harbour	Montague, P.E.I.
HARTLAND DE MONTARVILLE MOLSON	Alma	Montreal, Que.
WILLIAM ALBERT BOUCHER	Prince Albert	Prince Albert, Sask.
J. EUGÈNE LEFRANÇOIS	Repentigny	Montreal, Que.
GEORGE STANLEY WHITE, P.C.	Hastings-Frontenac	Madoc, Ont.
JOSEPH A. SULLIVAN	North York	Toronto, Ont.
ARTHUR M. PEARSON	Lumsden	Lumsden, Sask.
LÉON MÉTHOT	Shawinigan	Trois-Rivières, Que.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
GUSTAVE MONETTE	Mille Isles	Montreal, Que.
JOHN JOSEPH MACDONALD	Queens	R.R. 9, Charlottetown, P.E.I.
JAMES GLADSTONE	Lethbridge	Cardston, Alta.
LIONEL CHOQUETTE	Ottawa East	Ottawa, Ont.
FREDERICK MURRAY BLOIS	Colchester-Hants	Truro, N.S.
OLIVE LILLIAN IRVINE	Lisgar	Winnipeg, Man.
JOHN MICHAEL MACDONALD	Cape Breton	North Sydney, N.S.
JOSIE ALICE DINAN QUART	Victoria	Quebec, Que.
LOUIS PHILIPPE BEAUBIEN	Bedford	Montreal, Que.
MALCOLM HOLLETT	Burin	St. John's, Nfld.
HARRY ALBERT WILLIS	Peel	Toronto, Ont.
J. CAMPBELL HAIG	River Heights	Winnipeg, Man.
M. GRATTAN O'LEARY	Carleton	Ottawa, Ont.
ALLISTER GROSART	Pickering	Toronto, Ont.
EDGAR FOURNIER	Madawaska-Restigouche	Iroquois, N.B.
FRANK C. WELCH	Kings	Wolfville, N.S.
JACQUES FLYNN, P.C.	Rougemont	Quebec, Que.
DAVID JAMES WALKER, P.C.	Toronto	Toronto, Ont.
RHÉAL BELISLE	Sudbury	Sudbury, Ont.
PAUL YUZYK	Fort Garry	Winnipeg, Man.
ORVILLE HOWARD PHILLIPS	Prince	Alberton, P.E.I.
MAURICE BOURGET, P.C.	The Laurentides	Lévis, Que.
LOUIS P. GÉLINAS	Montarville	Montreal, Que.
ROMUALD BOURQUE	De la Vallière	Outremont, Que.
AZELLUS DENIS, P.C.	La Salle	Montreal, Que.
ERIC COOK	St. John's East	St. John's, Nfld.
DANIEL AIKEN LANG	South York	Toronto, Ont.
NELSON RATTENBURY	Southern New Brunswick	Saint John, N.B.
JOHN B. AIRD	Toronto	Toronto, Ont.
WILLIAM MOORE BENIDICKSON, P.C.	Kenora-Rainy River	Kenora, Ont.
ALEXANDER HAMILTON MCDONALD	Moosomin	Regina, Sask.
EARL ADAM HASTINGS	Palliser-Foothills	Calgary, Alta.
HARRY WILLIAM HAYS, P.C.	Calgary	Calgary, Alta.
JAMES HARPER PROWSE	Edmonton	Edmonton, Alta.
JOHN LANG NICHOL	Lion's Gate	Vancouver, B.C.
CHARLES ROBERT MCELMAN	Nashwaak Valley	Fredericton, N.B.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
EARL WALLACE URQUHART	Inverness-Richmond	West Bay, N.S.
DOUGLAS KEITH DAVEY	York	Toronto, Ont.
JEAN-PAUL DESCHATELETS, P.C. (Speaker)	Lauzon	Montreal, Que.
HAZEN ROBERT ARGUE	Regina	Kayville, Sask.
ALAN AYLESWORTH MACNAUGHTON, P.C.	Sorel	Montreal, Que.
J. C. LEOPOLD LANGLOIS	Grandville	Quebec, Que.
PAUL DESRUISSEAUX	Wellington	Sherbrooke, Que.
CHESLEY WILLIAM CARTER	The Grand Banks	St. John's, Nfld.
JAMES DUGGAN	Avalon	St. John's, Nfld.
THOMAS JOSEPH KICKHAM	Cardigan	Souris, P.E.I.
DOUGLAS DONALD EVERETT	Fort Rouge	Winnipeg, Man.
MAURICE LAMONTAGNE, P.C.	Inkerman	Montreal, Que.
ANDREW ERNEST THOMPSON	Dovercourt	Kendal, Ont.
KEITH LAIRD	Windsor	Windsor, Ont.
MARY ELIZABETH KINNEAR	Welland	Port Colborne, Ont.
HERBERT ORVILLE SPARROW	Battlefords	North Battleford, Sask.
LAZARUS PHILLIPS	Rigaud	Westmount, Que.
RICHARD JAMES STANBURY	York Centre	Toronto, Ont.
DONALD ALLAN MCLEAN	Charlotte County	Black's Harbour, N.B.
HERVÉ J. MICHAUD	Kent	Fredericton, N.B.
WILLIAM JOHN PETTEN	Bonavista	St. John's, Nfld.
RAYMOND EUDES	De Lorimier	Montreal, Que.
PAUL MARTIN, P.C.	Windsor-Walkerville	Windsor, Ont..
HÉDARD ROBICHAUD, P.C.	Gloucester	Caraquet, N.B.
LOUIS DE GONZAGUE GIGUÈRE	De la Durantaye	Montreal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

October 22, 1969

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
AIRD, JOHN B.	Toronto	Toronto, Ont.
ARGUE, HAZEN	Regina	Kayville, Sask.
ASELTINE, WALTER M., P.C.	Rosetown	Rosetown, Sask.
BASHA, MICHAEL G.	West Coast	Curling, Nfld.
BEAUBIEN, L. P.	Bedford	Montreal, Que.
BELISLE, RHÉAL	Sudbury	Sudbury, Ont.
BENIDICKSON, W. M., P.C.	Kenora-Rainy River	Kenora, Ont.
BLOIS, FRED M.	Colchester-Hants	Truro, N.S.
BOUCHER, WILLIAM A.	Prince Albert	Prince Albert, Sask.
BOURGET, MAURICE, P.C.	The Laurentides	Lévis, Que.
BOURQUE, ROMUALD	De la Vallière	Outremont, Que.
BURCHILL, G. PERCIVAL	Northumberland-Miramichi	South Nelson, N.B.
CAMERON, DONALD	Banff	Edmonton, Alta.
CARTER, CHESLEY W.	The Grand Banks	St. John's, Nfld.
CHOQUETTE, LIONEL	Ottawa East	Ottawa, Ont.
CONNOLLY, HAROLD	Halifax North	Halifax, N.S.
CONNOLLY, JOHN J., P.C.	Ottawa West	Ottawa, Ont.
COOK, ERIC	St. John's East	St. John's, Nfld.
CROLL, DAVID A.	Toronto-Spadina	Toronto, Ont.
DAVEY, KEITH	York	Toronto, Ont.
DENIS, AZELLUS, P.C.	La Salle	Montreal, Que.
DESCHATELETS, JEAN-PAUL, P.C. (Speaker)	Lauzon	Montreal, Que.
DESRUISSEAUX, PAUL	Wellington	Sherbrooke, Que.
DESSUREAULT, J.-M.	Stadacona	Quebec, Que.
DUGGAN, JAMES	Avalon	St. John's, Nfld.
EUDES, RAYMOND	De Lorimier	Montreal, Que.
EVERETT, DOUGLAS D.	Fort Rouge	Winnipeg, Man.
FARRIS, J. W. DE B.	Vancouver South	Vancouver, B.C..
FERGUSSON, MURIEL McQ.	Fredericton	Fredericton, N.B.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
FLYNN, JACQUES, P.C.	Rougemont	Quebec, Que.
FOURNIER, EDGAR	Madawaska-Restigouche	Iroquois, N.B.
FOURNIER, SARTO	De Lanaudière	Montreal, Que.
GÉLINAS, LOUIS P.	Montarville	Montreal, Que.
GIGUÈRE, LOUIS DE G.	De la Durantaye	Montreal, Que.
GLADSTONE, JAMES	Lethbridge	Cardston, Alta.
GOUIN, L. M.	De Salaberry	Montreal, Que.
GROSART, ALLISTER	Pickering	Toronto, Ont.
HAIG, J. CAMPBELL	River Heights	Winnipeg, Man.
HASTINGS, EARL A.	Palliser-Foothills	Calgary, Alta.
HAYDEN, SALTER A.	Toronto	Toronto, Ont.
HAYS, HARRY, P.C.	Calgary	Calgary, Alta.
HOLLETT, MALCOLM	Burin	St. John's, Nfld.
INMAN, F. ELSIE	Murray Harbour	Montague, P.E.I.
IRVINE, OLIVE L.	Lisgar	Winnipeg, Man.
ISNOR, GORDON B.	Halifax-Dartmouth	Halifax, N.S.
KICKHAM, THOMAS J.	Cardigan	Souris, P.E.I.
KINLEY, JOHN J.	Queens-Lunenburg	Lunenburg, N.S.
KINNEAR, MARY E.	Welland	Port Colborne, Ont.
LAIRD, KEITH	Windsor	Windsor, Ont.
LAMONTAGNE, MAURICE, P.C.	Inkerman	Montreal, Que.
LANG, DANIEL A.	South York	Toronto, Ont.
LANGLOIS, LEOPOLD	Grandville	Quebec, Que.
LEFRANÇOIS, J. EUGÈNE	Repentigny	Montreal, Que.
LEONARD, T. D'ARCY	Toronto-Rosedale	Toronto, Ont.
MACDONALD, JOHN J.	Queens	R.R. 9, Charlottetown, P.E.I.
MACDONALD, JOHN M.	Cape Breton	North Sydney, N.S.
MACNAUGHTON, ALAN, P.C.	Sorel	Montreal, Que.
MARTIN, PAUL, P.C.	Windsor-Walkerville	Windsor, Ont.
MCDONALD, A. HAMILTON	Moosomin	Regina, Sask.
MCELMAN, CHARLES	Nashwaak Valley	Fredericton, N.B.
MCGRAND, FRED A.	Sunbury	Fredericton Junction, N.B.
MCLEAN, DONALD A.	Charlotte County	Black's Harbour, N.B.
MÉTHOT, LÉON	Shawinigan	Trois Rivières, Que.
MICHAUD, HERVÉ J.	Kent	Fredericton, N.B.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
MOLSON, HARTLAND DE M.	Alma	Montreal, Que.
MONETTE, GUSTAVE	Mille Isles	Montreal, Que.
NICHOL, JOHN	Lion's Gate	Vancouver, B.C.
O'LEARY, M. GRATTAN	Carleton	Ottawa, Ont.
PATERSON, NORMAN McL.	Thunder Bay	Fort William, Ont.
PEARSON, ARTHUR M.	Lumsden	Lumsden, Sask.
PETTEN, WILLIAM J.	Bonavista	St. John's, Nfld.
PHILLIPS, LAZARUS	Rigaud	Westmount, Que.
PHILLIPS, ORVILLE H.	Prince	Alberton, P.E.I.
PROWSE, J. HARPER	Edmonton	Edmonton, Alta.
QUART, JOSIE D.	Victoria	Quebec, Que.
RATTENBURY, NELSON	Southern New Brunswick	Saint John, N.B.
ROBICHAUD, HÉDARD, P.C.	Gloucester	Caraquet, N.B.
ROEBUCK, ARTHUR W.	Toronto-Trinity	Toronto, Ont.
SAVOIE, CALIXTE F.	L'Acadie	Moncton, N.B.
SMITH, DONALD	Queens-Shelburne	Liverpool, N.S.
SPARROW, HERBERT O.	Battlefords	North Battleford, Sask.
STANBURY, RICHARD J.	York Centre	Toronto, Ont.
SULLIVAN, JOSEPH A.	North York	Toronto, Ont.
THOMPSON, ANDREW	Dovercourt	Kendal, Ont.
URQUHART, EARL W.	Inverness-Richmond	West Bay, N.S.
WALKER, DAVID, P.C.	Toronto	Toronto, Ont.
WELCH, FRANK C.	Kings	Wolfville, N.S.
WHITE, GEORGE S., P.C.	Hastings-Frontenac	Madoc, Ont.
WILLIS, HARRY A.	Peel	Toronto, Ont.
YUZYK, PAUL	Fort Garry	Winnipeg, Man.

SENATORS OF CANADA

BY PROVINCES

October 22, 1969

ONTARIO—24

	SENATORS	DESIGNATION	POST OFFICE ADDRESS
	THE HONOURABLE		
1	SALTER ADRIAN HAYDEN	Toronto	Toronto.
2	NORMAN MCLEOD PATERSON	Thunder Bay	Fort William.
3	ARTHUR WENTWORTH ROEBUCK	Toronto-Trinity	Toronto.
4	JOHN J. CONNOLLY, P.C.	Ottawa West	Ottawa.
5	DAVID A. CROLL	Toronto-Spadina	Toronto.
6	THOMAS D'ARCY LEONARD	Toronto-Rosedale	Toronto.
7	GEORGE STANLEY WHITE, P.C.	Hastings-Frontenac	Madoc.
8	JOSEPH A. SULLIVAN	North York	Toronto.
9	LIONEL CHOQUETTE	Ottawa East	Ottawa.
10	HARRY A. WILLIS	Peel	Toronto.
11	M. GRATTAN O'LEARY	Carleton	Ottawa.
12	Allister Grosart	Pickering	Toronto.
13	DAVID JAMES WALKER, P.C.	Toronto	Toronto.
14	RHÉAL BELISLE	Sudbury	Sudbury.
15	DANIEL AIKEN LANG	South York	Toronto.
16	JOHN BLACK AIRD	Toronto	Toronto.
17	WILLIAM MOORE BENIDICKSON, P.C.	Kenora-Rainy River	Kenora.
18	DOUGLAS KEITH DAVEY	York	Toronto.
19	ANDREW ERNEST THOMPSON	Dovercourt	Kendal.
20	KEITH LAIRD	Windsor	Windsor.
21	MARY ELIZABETH KINNEAR	Welland	Port Colborne.
22	RICHARD JAMES STANBURY	York Centre	Toronto.
23	PAUL MARTIN, P.C.	Windsor-Walkerville	Windsor.
24			

QUEBEC—24

	SENATORS	ELECTORAL DIVISION	POST OFFICE ADDRESS
	THE HONOURABLE		
1	LÉON MERCIER GOUIN	De Salaberry	Montreal.
2	JEAN-MARIE DESSUREAULT	Stadacona	Quebec.
3	SARTO FOURNIER	De Lanaudière	Montreal.
4	HARTLAND DE MONTARVILLE MOLSON	Alma	Montreal.
5	J. EUGÈNE LEFRANÇOIS	Repentigny	Montreal.
6	LÉON MÉTHOT	Shawinigan	Trois Rivières.
7	GUSTAVE MONETTE	Mille Isles	Montreal.
8	JOSIE ALICE DINAN QUART	Victoria	Quebec.
9	LOUIS PHILIPPE BEAUBIEN	Bedford	Montreal.
10	JACQUES FLYNN, P.C.	Rougemont	Quebec.
11	MAURICE BOURGET, P.C.	The Laurentides	Lévis.
12	LOUIS P. GÉLINAS	Montarville	Montreal.
13	ROMUALD BOURQUE	De la Vallière	Outremont.
14	AZELLUS DENIS, P.C.	La Salle	Montreal.
15	JEAN-PAUL DESCHATELETS, P.C. (Speaker)	Lauzon	Montreal.
16	ALAN AYLESWORTH MACNAUGHTON, P.C.	Sorel	Montreal.
17	J. G. LEOPOLD LANGLOIS	Grandville	Quebec.
18	PAUL DESRUISSEAUX	Wellington	Sherbrooke.
19	MAURICE LAMONTAGNE, P.C.	Inkerman	Montreal.
20	LAZARUS PHILLIPS	Rigaud	Westmount.
21	RAYMOND EUDES	De Lorimier	Montreal.
22	LOUIS DE GONZAGUE GIGUÈRE	De la Durantaye	Montreal.
23	.....	.....	.....
24	.....	.....	.....

NOVA SCOTIA—10

	SENATORS	DESIGNATION	POST OFFICE ADDRESS
	THE HONOURABLE		
1	JOHN JAMES KINLEY	Queens-Lunenburg	Lunenburg.
2	GORDON B. ISNOR	Halifax-Dartmouth	Halifax.
3	DONALD SMITH	Queens-Shelburne	Liverpool.
4	HAROLD CONNOLLY	Halifax North	Halifax.
5	FREDERICK MURRAY BLOIS	Colchester-Hants	Truro.
6	JOHN MICHAEL MACDONALD	Cape Breton	North Sydney.
7	FRANK C. WELCH	Kings	Wolfville.
8	EARL WALLACE URQUHART	Inverness-Richmond	West Bay.
9			
10			

NEW BRUNSWICK—10

	THE HONOURABLE		
1	GEORGE PERCIVAL BURCHILL	Northumberland-Miramichi	South Nelson.
2	MURIEL MCQUEEN FERGUSSON	Fredericton	Fredericton.
3	FRED A. MCGRAND	Sunbury	Fredericton Junction.
4	CALIXTE F. SAVOIE	L'Acadie	Moncton.
5	EDGAR FOURNIER	Madawaska-Restigouche	Iroquois.
6	NELSON RATTENBURY	Southern New Brunswick	Saint John.
7	CHARLES ROBERT MCELMAN	Nashwaak Valley	Fredericton.
8	DONALD ALLAN MCLEAN	Charlotte County	Black's Harbour.
9	HERVÉ J. MICHAUD	Kent	Fredericton.
10	HÉDARD ROBICHAUD, P.C.	Gloucester	Caraquet.

PRINCE EDWARD ISLAND—4

	THE HONOURABLE		
1	FLORENCE ELSIE INMAN	Murray Harbour	Montague.
2	JOHN JOSEPH MACDONALD	Queens	R. R. 9, Charlottetown.
3	ORVILLE HOWARD PHILLIPS	Prince	Alberton.
4	THOMAS JOSEPH KICKHAM	Cardigan	Souris.

MANITOBA—6

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
1 OLIVE LILLIAN IRVINE	Lisgar	Winnipeg.
2 J. CAMPBELL HAIG	River Heights	Winnipeg.
3 PAUL YUZYK	Fort Garry	Winnipeg.
4 DOUGLAS DONALD EVERETT	Fort Rouge	Winnipeg.
5		
6		

BRITISH COLUMBIA—6

THE HONOURABLE		
1 JOHN WALLACE DE B. FARRIS	Vancouver South	Vancouver.
2 JOHN LANG NICHOL	Lion's Gate	Vancouver.
3		
4		
5		
6		

SASKATCHEWAN—6

THE HONOURABLE		
1 WALTER M. ASELTINE, P.C.	Rosetown	Rosetown.
2 WILLIAM ALBERT BOUCHER	Prince Albert	Prince Albert.
3 ARTHUR M. PEARSON	Lumsden	Lumsden.
4 ALEXANDER HAMILTON MCDONALD	Moosomin	Regina.
5 HAZEN ROBERT ARGUE	Regina	Kayville.
6 HERBERT ORVILLE SPARROW	Battlefords	North Battleford.

ALBERTA—6

THE HONOURABLE		
1 DONALD CAMERON	Banff	Edmonton.
2 JAMES GLADSTONE	Lethbridge	Cardston.
3 EARL ADAM HASTINGS	Palliser-Foothills	Calgary.
4 HARRY WILLIAM HAYS, P.C.	Calgary	Calgary.
5 JAMES HARPER PROWSE	Edmonton	Edmonton.
6		

NEWFOUNDLAND—6

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
1 MICHAEL G. BASHA	West Coast	Curling.
2 MALCOLM HOLLETT	Burin	St. John's.
3 ERIC COOK	St. John's East	St. John's.
4 CHESLEY WILLIAM CARTER	The Grand Banks	St. John's.
5 JAMES DUGGAN	Avalon	St. John's.
6 WILLIAM JOHN PETTEN	Bonavista	St. John's.

THE SENATE

Officers and Chiefs of Principal Branches

Clerk of the Senate and Clerk of the Parliaments	Robert Fortier, Q.C., B.A., LL.B.
Law Clerk and Parliamentary Counsel	E. Russell Hopkins, B.A., LL.B.
First Clerk Assistant	Alcide Paquette, B.A.
Gentleman Usher of the Black Rod	C. R. Lamoureux, D.S.O.
Director of Committees and Assistant Law Clerk and Parliamentary Counsel	Pierre Godbout, Q.C., B.A., LL.B.
Chief of Administration and Personnel	J. Walter Dean
Editor of Debates and Chief of Reporting Branch	Graydon Hagen
Chief of Minutes and Journals (English)	Mrs. Jean F. Sutherland
Chief of Minutes and Journals (French)	Miss Madeleine Ouimet
Assistant Gentleman Usher of the Black Rod	Alfred Fortier, E.D., C.D.
Postmaster	Harold King
Supervisor of Stenographic Service (English)	Miss Edith Wray
Supervisor of Stenographic Service (Bilingual)	
Chief of Stationery Branch and Furniture Control Officer	Hugh S. McCulloch
Chief of Joint Distribution Office	J. E. Levesque
Chief of Protective Service	John Schuller
Manager of Parliamentary Restaurant	W. Pentecost

Parliamentary Reporters

(English) T. S. Hubbard, (*Assistant Chief of Reporting Branch*)
G. R. Baker, (*Senior Reporter*), H. D. Griffith, Lorcan OhUiginn, W. J. Culleton, G. K. Hubbard, D. L. Sellers

(French) J. R. Langlois, Aurèle Chenier

Assistant Parliamentary Reporters

Maurice Bolduc, Rufus Dickinson, A. A. Gallagher

TRANSLATORS

Bureau for Translations

Department of Secretary of State

Director, Parliamentary and General Divisions	R. M. Belisle
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Parliamentary Librarian	Erik J. Spicer, C.D., B.A., B.L.S., M.A.L.S.
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CANADA

Debates of the Senate

OFFICIAL REPORT

Thursday, September 12, 1968

OPENING OF FIRST SESSION OF TWENTY-EIGHTH PARLIAMENT

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 9.45 a.m.

SPEAKER OF THE SENATE

READING OF COMMISSION APPOINTING HON. JEAN-PAUL DESCHATELETS, P.C.

Hon. Jean-Paul Deschatelets, having taken the Clerk's chair, rose and said: Honourable senators, I have the honour to inform the Senate that a Commission under the Great Seal has been issued appointing me Speaker of the Senate.

The said Commission was then read by the Clerk.

The Hon. the Speaker then took the Chair at the foot of the Throne, to which he was conducted by Hon. Salter A. Hayden and Hon. Jacques Flynn, P.C., the Gentleman Usher of the Black Rod preceding.

Prayers.

COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

The Hon. the Speaker: Honourable senators, I have received the following communication:

GOVERNMENT HOUSE

Ottawa, September 12, 1968

Sir,

I am commanded to inform you that the Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber to open the First Session of the Twenty-eighth Parliament of Canada on this day, Thursday, the 12th September, 1968 at 10.30 a.m.

I have the honour to be,
Sir,
Your Obedient Servant,
Louis-Frémont Trudeau,
Brigadier General
Assistant Secretary
to the Governor General.

The Honourable
The Speaker of the Senate.

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

William John Petten, Esquire
Raymond Eudes, Esquire
Hon. Paul Joseph James Guillaume Martin, P.C.
Edouard Joseph Thériault, Esquire
Hon. Hedard-J. Robichaud, P.C.
Louis de Gonzague Giguère, Esquire

NEW SENATORS INTRODUCED

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons, which were read by the Clerk; took the legally prescribed oath, which was administered by the Clerk and were seated:

Hon. Paul Joseph James Guillaume Martin, P.C., of Windsor, Ontario, introduced between Hon. Mr. Hayden and Hon. Mr. Bourget.

Hon. William John Petten, of St. John's, Newfoundland, introduced between Hon. Mr. Martin and Hon. Mr. Cook.

Hon. Raymond Eudes, of Montreal, Quebec, introduced between Hon. Mr. Martin and Hon Mr. Macnaughton.

Hon. Edouard Joseph Thériault, of Digby, Nova Scotia, introduced between Hon. Mr. Martin and Hon. Mr. Urquhart.

Hon. Hedard-J. Robichaud, P.C., of Caraquet, New Brunswick, introduced between Hon. Mr. Martin and Hon. Mr. Burchill.

Hon. Louis de Gonzague Giguère, of Montreal, Quebec, introduced between Hon. Mr. Martin and Hon. Mr. Lamontagne.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the British North America Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

At 10.15 a.m. the Senate adjourned during pleasure.

At 10.30 a.m. the sitting was resumed, and was then adjourned, pending the arrival of the Honourable the Deputy of the Governor General.

Hon. J. R. Cartwright, M.C., Deputy of His Excellency the Governor General, having come and being seated,

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that it is the desire of the Honourable the Deputy Governor General that they attend him immediately in the Senate Chamber.

Who being come,

The Hon. the Speaker said:

Honourable Members of the Senate:

Members of the House of Commons:

I have it in command to let you know that His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada until a Speaker of the House of Commons shall have been chosen, according to law; but this afternoon, at the hour of three o'clock, His Excellency will declare the causes of his calling Parliament.

The House of Commons withdrew.

The Honourable the Deputy of the Governor General was pleased to retire.

The sitting of the Senate was resumed.

COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

The Hon. the Speaker: Honourable senators, I have received the following communication:

GOVERNMENT HOUSE

Ottawa
12 September 1968

Sir,

I have the honour to inform you that His Excellency the Governor General will arrive at the Main Entrance of the Parliament Buildings at 3.00 p.m. on this day Thursday the 12th September 1968, and when it has been signified that all is in readiness, will proceed to the Chamber of the Senate to open formally the First Session of the Twenty-eighth Parliament of Canada.

I have the honour to be,
Sir,
Your obedient servant,
Esmond Butler
Secretary to the Governor General.

The Honourable
The Speaker of the Senate.

On motion of Hon. Mr. Hayden, seconded by Hon. Mr. Croll, the Senate adjourned until 2.45 p.m.

SECOND SITTING

The Senate met at 2.55 p.m., the Speaker in the Chair.

The Senate adjourned during pleasure.

At three o'clock His Excellency the Governor General having come and being seated upon the Throne,

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that it is His Excellency the Governor General's pleasure that they attend him immediately in the Senate Chamber.

The House of Commons being come,

Their Speaker, The Hon. Lucien Lamoureux, said:

May it please Your Excellency,

The House of Commons has elected me their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable construction.

The Hon. the Speaker of the Senate answered:

Mr. Speaker I am commanded by His Excellency the Governor General to declare to you that he freely confides in the duty and attachment of the House of Commons to Her Majesty's person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded also to assure you that the Commons shall have ready access to His Excellency upon all seasonable occasions and that their proceedings, as well as your words and actions will constantly receive from him the most favourable construction.

SPEECH FROM THE THRONE

His Excellency the Governor General was then pleased to open the First Session of the Twenty-eighth Parliament with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

I have the honour to welcome you to the first session of the 28th Parliament of Canada.

Across the land there are great expectations of what this Parliament will produce. My Ministers recognize the responsibility for leadership which these hopes entail. They are determined to do all that they can to carry out the mandate they received from the people of Canada in the recent general election. They recognize their duty to ensure that the wishes of Canadians concerning their Government be fulfilled as quickly and as completely as the general advantage will allow. At the same time my Government is conscious that aspirations and their realization have to be tempered by a sober awareness of reality. In the complexities of modern society effective programs take time to develop and more time to implement. At all stages they require financial and intellectual resources which are not unlimited and must be used with careful planning and the hard judgment of priorities. It is a simple fact of life that everything cannot be done at once.

My Government has planned the legislative program of this first session in the context of a Parliament of normal duration. To make way for the consideration in later sessions of new programs that ministers are already developing, it is proposed, during the current session, to elucidate priorities and to set in motion new policies. Of equal importance, though of far less drama, Parliament will be asked to deal with a host of matters essential to the smooth and up-to-date functioning of government which were not disposed of in the previous Parliament. My Government considers that its first responsibility, and the first responsibility of this Parliament, is to clear the accumulation of essential legislative adjustments, improvements and modernizations left over from the last Parliament. Unless they are cleared up promptly, efficient public administration and the effective operation of the Canadian economy and society will be hampered.

My Ministers believe that much of the delay and difficulty in the handling of Parliamentary business during recent years could have been avoided or reduced by the improvement of parliamentary rules and procedures. It is their view that Canadians feel that Parliament is too far removed from the people it serves; its operations are too slow and ponderous; its deliberations are often insufficiently informed and its decisions are too few and too much delayed. In order that parliamentary institutions may retain the confidence of the people, and in order that they may cope successfully with the vast scope and complexity of government today, it is essential that provision be made for legislative machinery that can act speedily on the large number of varied, detailed and complicated legislative, financial and policy questions that will be the normal, and indeed the growing, parliamentary program of the future. My Government accords the greatest importance to parliamentary reform and, to this end and as a matter of the highest priority, it has already had useful discussions with representatives of Opposition parties concerning changes in the rules and procedures of the House of Commons.

So that the Official Opposition, to which we in Canada give formal recognition as a vital part of our democratic process, as well as the other parties in opposition, may be in a position to cope more effectively with the heavy load of action and decision each session must face, you will be asked to make new provision for the Official Opposition, and the other parties in their parliamentary role. You will also be asked to consider additional facilities for the better discharge of the functions of Parliament generally.

My Government is deeply and irrevocably committed to the objectives of a just society and a prosperous economy in a peaceful world. My Ministers believe that the unity of the country is fundamental to the attainment of these goals, as—indeed—to the enjoyment by each Canadian of the maximum possible liberty, happiness and material well-being. Constitutional reform remains the best long-term guarantee of Canadian unity and my ministers are directing officials in discussions with the provinces which are proceeding well and will, through a series of intergovernmental conferences, lead to proposals that Parliament will wish to consider. In the meantime, however, to further the objective of a united Canada, you will be asked during the current session, to enact a totally new Official Languages Act based on the recommendations of the Royal Commission on Bilingualism and Biculturalism. You will also be asked to approve a new Publication of Statutes Act to change the way in which the law of our bilingual land is presented and made known in both the official languages of our land. You will also be asked to consider measures relating to Indians, to citizenship, to national symbols, to cultural agencies, to transportation of all kinds as well as to communications (including satellites), educational television, and the financing of the Post Office.

Some of these proposals involve the righting of wrongs and others the opening of opportunities long denied. Together they exemplify the essential connection between justice and national unity. The attainment of a just society is the cherished hope of civilized men. While perhaps more difficult to formulate for groups than for individuals, even the members of majorities—political, religious, linguistic or economic—must know what it is to suffer injustice. My Government is deeply concerned to provide and to ensure increased justice, dignity and recognition to the individual, particularly in an age which is characterized by large governments, industrial automation, social regimentation and old-fashioned laws. A great deal has been accomplished in recent years to make the Canadian society more just in terms of income distribution and security against the vicissitudes of life. Pensions for the aged, provision for the sick and for the needy have been made more effective by legislation passed in recent Parliaments and by action of the provinces. Notwithstanding such measures, poverty continues to exist in Canada. My Government recognizes that, but it also believes that it would be deluding and cruel to pretend that there is a simple, all-encompassing or instantaneously effective remedy. Poverty can be dealt with successfully and permanently only by continued and determined action in a variety of ways by all governments. For its part, Parliament can be assured that the federal Government will contribute fully and assume leadership wherever it can properly do so. To this end, the proposals you will have for your consideration will include the establishment of a department charged with the objective of ensuring that people in all areas and regions of our country have as equal access as possible to the opportunities of Canada's economic development.

At the same time, there are other and broader elements vital to a just society, and my Ministers feel that these must receive, at this and in later sessions of Parliament, a degree of attention they have not had hitherto. Toward these ends, you will be asked to enact important changes in the Criminal Law, to provide new protections for consumers and investors, to up-date food, drug and health legislation, to revise or amend legislation relating to the machinery of justice, and to correct a number of particular injustices, including those resulting from certain provisions of the Industrial Relations and Disputes Investigation Act. During the course of the present session it is anticipated that the Government will receive reports from inquiries with regard to labour legislation and veterans pensions, and it is the intention of my Ministers to bring their proposals in these matters before you as soon as possible.

My Government believes that the objective of a just society must always include the pursuit of a prosperous economy as well as the fair distribution of its proceeds. Just as we have in the past tended, perhaps, to consider justice in our society largely in material terms, so we must recognize that there has been a tendency in Parliament and to some degree in Government to concentrate on the distributive aspects of our economy. In this

course we have sometimes tended to neglect those aspects that can affect the productivity of our country, and hence the total provision of economic well-being for our society, and its competitiveness in the changing conditions of the modern world. The natural resources of Canada and the industries based upon them continue to be of immense importance to our economy but the advantages of our great physical resources by themselves are no longer an adequate base for a growing and prosperous modern economy. We shall increasingly have to compete on even terms with those countries of the world which are most advanced technologically in the provision of the sophisticated products of modern life. Unless Canada can maintain an economy that is efficient, competitive and productive in relation to the most advanced nations on earth, we cannot have the basis for a society from which poverty has been eliminated, we cannot maintain high levels of employment and income and we cannot ensure the standard of life to which Canadians generally aspire. It is against this background, as well as with the consciousness that the interests of all must be fairly balanced, that the Government is approaching its policies and programs of an economic character. In this same context, Parliament will be asked during the present session to consider proposals for a systematic and continuous review of prices and costs in our economy.

Just as incomes cannot increase faster than productivity if price increases are to be restrained, so government spending by all levels of government cannot increase faster than productivity if we wish to restrain the increase in levels of taxation. These two realities are among the most important that Canadians and their leaders must bear in mind during the months and years ahead. Measures that you will have to consider relating to the Kennedy Round reflect the outcome of a major international effort to reduce the barriers to international trade and emphasize the opportunities opening up for a great trading nation like Canada. A measure to be brought before you dealing with the amendment of the Bretton Woods arrangements results from comparable efforts to stabilize and improve the whole international financial system.

Conscious of the limitations it must place on its expenditures, my Government has acted within the framework of previously announced guidelines to select carefully the programs which in the light of regional needs and opportunities it considers most promising for the promotion of a prosperous economy. My Ministers will bring before you legislation relating to the encouragement of manpower programs, regional improvements, domestic investment, export development, and resource administration, including a Yukon Mineral Act and an Oil and Gas Production Act relating to Canada's increasingly important northern resources. In addition, my Government will propose a Freshwater Fish Marketing Act, and intends to investigate immediately a number of methods for promoting greater efficiency in the production and marketing of grains, including the establishment of a National Grains Council. You will be asked to approve amendments to the Farm Improvement Loans Act, the Farm Credit Act, the Farm Machinery Syndicates Act, the Prairie Grain Advance Payments Act, and the Fisheries Improvement Loans Act. You will be asked to consider a Canada Development Corporation Act, a Federal Cooperatives Act and an Export Development Corporation Act.

The growth of our population and the changes in the nature of our mobile urban and industrial society lend a new importance to conservation in its traditional sense. We have taken and are taking effective strides toward economic conservation through progressively better use of our resources to achieve a high and long-term productivity. We must also give new attention before it is too late to the preservation of our natural heritage for the enjoyment of Canadians of future generations. You will be asked to consider measures concerning National Parks and Historic Sites and Monuments. These and other facilities for the repose of the mind and restoration of the spirit, for sport, and for physical relaxation are and will be of increasing importance to our social environment. They offer Canadians and to visitors to Canada the possibility of a quality of life richly satisfying and ever more difficult to come by in this and in other industrial countries. Of broader importance is the problem of pollution, which must receive increased attention from federal, provincial and municipal governments. My Ministers are actively engaged in preparing proposals on these subjects and, in due course, these will be brought before you for your examination.

The natural riches with which Canada is blessed must serve to remind us that we have a substantial responsibility and a great opportunity in matters of foreign aid. My Government intends to press forward its plans and

programs for international cooperation and development which include the establishment in Canada of an International Development Centre.

In international affairs generally, my Ministers regard the current situation as uncertain and deeply disturbing. Talks are under way in Paris concerning Vietnam but so far negotiations have not advanced as we had hoped they might. The Government has followed with anxiety the attempts to promote a peaceful settlement in Nigeria and has participated actively in international efforts to relieve the sufferings of the civilian population. The situation in Czechoslovakia has also caused the gravest concern to the Government, not only for its effects on the prospects of détente and future evolution within Communist countries, but also for its consequences for the freedom and well-being of the Czechoslovak people. For those of them who have to seek refuge in other countries, my Ministers have already taken steps to offer permanent homes in Canada.

The Government has undertaken and is pursuing a thorough review of our external and defence policies. Canada's contribution to NATO, relations with Peking, with Latin America and with Europe are being studied currently. Reviews of our relations with other areas will be undertaken later and, as conclusions are reached, Parliament will be invited to consider them.

The events in other lands to which I have referred are a vivid reminder that our good fortune as Canadians includes rights and freedoms as well as material advantages. They alert us to need not only for vigilance in the conservation of our democratic institutions but also to the importance of constant concern for their improvement. Efficient government responsive to public requirements and open to public participation is essential to the meaningful operation of the democratic process. It will be the more vital in the future as technology and science provide new and more immediate means for the dissemination of information and for the involvement as individuals of all our people. The Government has already taken steps to review its information services in order to introduce as soon as possible improvements by which the flow of information into and out of the Government will be more efficient and effective permitting the people of Canada a continuing informed and more active participation in the activities of their Government. In addition as part of the continuing process of modernization and development of governmental machinery you will be asked during the current session to enact a Government Organization Act. This measure will complete a number of changes in organization and structure announced by the Prime Minister some weeks ago and will complement the Parliamentary reforms so fundamental to the successful operation of our democratic institutions.

The reinforcement and renovation of Parliamentary and administrative machinery and the clearing away of the substantial backlog now outstanding in the legislative program will free Parliament so that it can come to grips with difficult and pressing problems relating to youth, poverty, regional disparities, urban growth, individual welfare and the application and encouragement of scientific technology. These subjects are of concern to all governments in Canada and it is clear that a great deal more has to be done than has so far been contemplated. It would be wrong however to expect solutions to be found easily or indeed to be found at all except on the basis of close co-operation in good faith between federal, provincial and municipal governments, not only in planning but in implementation as well.

To assist in this process it would be useful to have available to all governments an institute where long-term research and thinking can be carried out into governmental matters of all kinds. At the present time there is no such facility available in this country and it is the intention of my Ministers to bring before you in the near future legislation that will fill this most important gap in our governmental apparatus.

Members of the House of Commons:

During the current session you will be asked to appropriate the funds required for the services and payments authorized by Parliament. In addition to this business the legislative program that the Government proposes is very extensive but many of the items have been seen before or are of an uncontroversial nature. A list of the Bills relating to the matters to which I have referred will be tabled by the Prime Minister later this day and other portions of the program will be brought forward as the session proceeds. It is very important to the proper government of the country in the years ahead that the proposals for the current session be dealt with. In Canada as in other countries of the world democracy today faces a decisive challenge. It must adapt to new circumstances and new demands or fail in its purpose. This challenge is not abstract but a

confrontation which you will have to face by virtue of your election to this Parliament.
Honourable Members of the Senate,
Members of the House of Commons,
May Divine Providence guide you in your deliberations.

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

RAILWAYS BILL

FIRST READING

Hon. Mr. Hayden presented Bill S-1, relating to railways.

Bill read first time.

SPEECH FROM THE THRONE

CONSIDERATION NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that His Excellency has caused to be placed in my hands a copy of his speech delivered this day from the Throne to the two Houses of Parliament. It is as follows:

Hon. Senators: Dispense.

Hon. Mr. Hayden moved, seconded by Hon. Mr. Croll:

That the Speech of His Excellency the Governor General be taken into consideration at the next sitting of the Senate.

Motion agreed to.

COMMITTEE ON ORDERS AND CUSTOMS

APPOINTMENT

Hon. Mr. Hayden moved, seconded by Hon. Mr. Croll:

That all the senators present during this session be appointed a committee to consider the Orders and Customs of the Senate and Privileges of Parliament, and that the said committee have leave to meet in the Senate chamber when and as often as they please.

Motion agreed to.

COMMITTEE OF SELECTION

APPOINTMENT

Hon. Mr. Hayden moved, seconded by Hon. Mr. Croll:

That pursuant to Rule 77, the following Senators, to wit: the honourable Senators Beaubien (Provencher), Bourget, Choquette, Denis, Fergusson, Flynn, Grosart, MacDonald (Cape Breton), Martin, McDonald and Quart, be appointed a Committee of Selection to nominate senators to serve on the several Standing Committees during the present session; and to report with all convenient speed the names of the senators so nominated.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Friday, September 13, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

NOVA SCOTIA FISHERIES EXHIBITION

INTERNATIONAL DORY RACES AT LUNENBURG

Hon. John J. Kinley: Honourable senators, I rise on a question of privilege to call to your attention the fact that each year the Nova Scotia Fisheries Exhibition is held at Lunenburg. An outstanding event, the International Double Dory Race, was held today in the harbour of Lunenburg, and I am very happy to report that the Lunenburg crew won over the American crew. In the double dory race there are two men in each dory, and the Lunenburg crew was composed of Sonny Heisler, who has many times been a winner of this event, and Gerald Mossmann, both of Lunenburg.

The Junior International Dory Race was won by a crew composed of Larry and David Swimm from Lockeport.

Lunenburg congratulates both its own boys and the boys from Lockeport. As one who has for many years been interested in the Nova Scotia Fisheries Exhibition, I should like to say that we Nova Scotians have always been proud of the skill and strength of our fishermen, and are glad to demonstrate again at this time that there are strong men in Nova Scotia.

I should mention that we were honoured by the visit of a ship of the United States Coast Guard. We like to beat the Americans, who are our friends from the New England States. I am sure there is a great deal of enthusiasm about this race. We like to be in friendly combat, because I think that next to us they are the best and if we beat the best we are out in front. I congratulate our boys, and I know that this international race will add to the lustre of our fishermen and our people generally in Nova Scotia. I am proud to announce this accomplishment to the Senate.

LIBRARY OF PARLIAMENT

REPORT OF LIBRARIAN TABLED

The Hon. the Speaker: Honourable senators, I have the honour to present to the Senate the report of the Parliamentary Librarian for the First Session of the Twenty-Eighth Parliament.

Ordered: That the report do lie on the Table.

DOCUMENTS TABLED

Hon. Paul Martin: Honourable senators, with leave of the Senate, I beg to table reports and other documents issued by the Government of Canada since the Senate last met. The list is quite long, and rather than take up time reading the titles of the various documents and reports I would propose that it be made part of our record for today.

Hon. Senators: Agreed.

(The following documents were then tabled)

Report of the Cape Breton Development Corporation, together with Financial Statements and Auditors' Report, for the year ended December 31, 1967, pursuant to section 33 of the Cape Breton Development Corporation Act, chapter 6, Statutes of Canada, 1967-68. (English text).

Report of the National Energy Board for the year ended December 31, 1967, pursuant to section 91 of the National Energy Board Act, chapter 46, Statutes of Canada, 1959. (English and French texts).

Report of the National Gallery of Canada, including its Accounts and Financial Transactions certified by the Auditor General, for the fiscal year ended March 31, 1967, pursuant to section 10 of the National Gallery Act, chapter 186, R.S.C., 1952. (English and French texts).

Report on the Administration of the Canada Student Loans Act for the loan year ended June 30, 1966, pursuant to section 18 of the said Act, chapter 24, Statutes of Canada, 1964-65. (English and French texts).

Report of temporary loan made out of the Consolidated Revenue Fund to The St. Lawrence Seaway Authority on March 28, 1968, as approved by Order in Council P.C. 1967-1077, dated June 1,

1967, pursuant to section 26(4) of the St. Lawrence Seaway Authority Act, chapter 242, R.S.C., 1952. (English and French texts).

Report of Eldorado Mining and Refining Limited and its subsidiary, Eldorado Aviation Limited, including their Accounts and Financial Statements certified by the Auditor General, for the year ended December 31, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Northern Ontario Pipe Line Crown Corporation, including its Accounts and Financial Statement certified by the Auditor General, for the year ended December 31, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952 (English and French texts).

Report of the Northern Transportation Company Limited, including its Accounts and Financial Statements certified by the Auditor General, for the year ended December 31, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Canadian Transport Commission for the year ended December 31, 1967, together with Order in Council P.C. 1968-510, dated March 14, 1968, pursuant to section 21 of the National Transportation Act, chapter 69, Statutes of Canada, 1966-67. (English and French texts).

Report of the Department of Defence Production for the year ended December 31, 1967, pursuant to section 34 of the Defence Production Act. chapter 62, R.S.C., 1952. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, March 27 and April 10, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of Operations under the Bretton Woods Agreements Act and the International Development Association Act for the year ended December 31, 1967, pursuant to section 2 of the first-mentioned Act, Chapter 13, Statutes of Canada, 1966-67, and section 5 of the latter Act, chapter 32, Statutes of Canada, 1960. (English and French texts).

Copies of Ordinances, chapters 1 to 8 inclusive, passed by the Council of the Northwest Territories at its 1968 First Session held in Yellowknife, Northwest Territories, from February 7 to 27, 1968, pursuant to section 15 of the Northwest Territories Act, chapter 331, R.S.C., 1952, as amended, together with copy of Order in Council P.C. 1968-817, dated April 25, 1968, approving same. (English text).

Copy of Table of Public Ordinances of the Northwest Territories—1956-1968 (First Session). (English text).

Copies of Ordinances, chapters 1 to 14 inclusive, passed by the Council of the Yukon Territory at its 1968 Second Session, which was concluded at Whitehorse on April 4, 1968, pursuant to section 20 of the Yukon Act, chapter 53, Statutes of Canada, 1952-53, together with copy of Order in Council P.C. 1968-818, dated April 25, 1968, aproving same. (English text).

Report of Agreements made under the Agricultural Products Co-operative Marketing Act for the fiscal year ended March 31, 1968, pursuant to section 7 of the said Act. chapter 5, R.S.C., 1952. (English and French texts).

Report of the Department of Trade and Commerce for the year ended December 31, 1967, pursuant to section 7 of the Department of Trade and Commerce Act, chapter 78, R.S.C., 1952. (English and French texts).

Report of the Army Benevolent Fund Board for the fiscal year ended March 31, 1968, pursuant to section 13 of the Army Benevolent Fund Act, chapter 10, R.S.C., 1952, including its Accounts and Financial Statements certified by the Auditor General. (English and French texts).

Report of Atomic Energy of Canada Limited, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of operation under the Coal Production Assistance Act for the fiscal year ended March 31, 1968, pursuant to section 9 of the said Act, chapter 173, R.S.C., 1952, as amended 1959. (English and French texts).

Report of the Dominion Coal Board for the fiscal year ended March 31, 1968, pursuant to section 15 of the Dominion Coal Board Act, chapter 86, R.S.C., 1952. (English and French texts).

Interim Capital Budget of the Farm Credit Corporation for the fiscal year ending March 31, 1969, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, and a copy of Order in Council P.C. 1968-1114, dated June 5, 1968, approving same. (English text).

Capital Budget of Atomic Energy of Canada Limited for the fiscal year ending March 31, 1969, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-823, dated April 30, 1968, approving same. (English text).

Revised Capital Budget of Eldorado Mining and Refining Limited for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-917, dated May 8, 1968, approving same. (English text).

Report of the Atomic Energy Control Board of Canada for the fiscal year ended March 31, 1968, pursuant to section 21(1) of the Atomic Energy Control Act, chapter 11, R.S.C., 1952. (English and French texts).

Report of the Farm Credit Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report relating to the Administration of the Farmers' Creditors Arrangement Act for the fiscal year ended March 31, 1968, pursuant to section 41(2) of the said Act, chapter 111, R.S.C., 1952. (English and French texts).

Report of the Superintendent of Insurance for Canada, Volume I—Abstract of Statements of Insurance Companies in Canada—for the year ended December 31, 1967, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

Statement showing Classification of Deposit Liabilities Payable in Canadian Currency of the Chartered Banks of Canada as at April 30, 1968, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English and French texts).

Report of the Master of the Royal Canadian Mint for the year ended December 31, 1967, pursuant to section 21 of the Currency, Mint and Exchange Fund Act, chapter 315, R.S.C., 1952. (English and French texts).

Report of Operation under the Small Businesses Loans Act for the year ended December 31, 1967, pursuant to section 11 of the said Act, chapter 5, Statutes of Canada, 1960-61. (English and French texts).

Report of Operations under the Farm Improvement Loans Act for the year ended December 31, 1967, pursuant to section 13 of the said Act, chapter 110, R.S.C., 1952. (English and French texts).

Report of the Canada Deposit Insurance Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the year ended December 31, 1967, pursuant to section 43 of the Canada Deposit Insurance Corporation Act, chapter 70, Statutes of Canada, 1966-67. (English and French texts).

Report of Operations under the Civil Service Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 21(2) of the said Act, chapter 49, R.S.C., 1952. (English and French texts).

Report on Actuarial Examination of the Canadian Forces Superannuation Account in the Consolidated Revenue Fund as at December 31, 1965, pursuant to section 25 of the Canadian Forces Superannuation Act, chapter 21, Statutes of Canada, 1959. (English and French texts).

Report on Actuarial Examination of the Regular Forces Death Benefit Account in the Consolidated Revenue Fund as at December 31, 1965, pursuant to section 53 of the Statute Law (Superannuation) Amendment Act, 1966, chapter 44, Statutes of Canada, 1966-67. (English and French texts).

Report of Operation under the Fisheries Improvement Loans Act for the fiscal year ended March 31, 1968, pursuant to

section 12(2) of the said Act, chapter 46, Statutes of Canada, 1955. (English and French texts).

Report of the Superintendent of Insurance on the Administration of the Pension Benefits Standards Act for the period March 23, 1967 to March 31, 1968, pursuant to section 22 of the said Act, chapter 92, Statues of Canada, 1966-67. (English and French texts).

Report of the Municipal Development and Loan Board, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 20 of the Municipal Development and Loan Act, chapter 13, Statutes of Canada, 1963. (English and French texts).

Report of the number and amount of Loans to Indians made under section 69(1) of the Indian Act for the fiscal year ended March 31, 1968, pursuant to section 69(6) of the said Act, chapter 149, R.S.C., 1952. (English and French texts).

Report of the Eastern Rockies Forest Conservation Board for the fiscal year ended March 31, 1968, pursuant to section 10 of the Eastern Rocky Mountain Forest Conservation Act, chapter 59, Statutes of Canada, 1947. (English text).

Copies of 92 contracts between the Government of Canada and Municipalities in the Provinces of Alberta, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island and Saskatchewan for the use or employment of the Royal Canadian Mounted Police, pursuant to section 20(3) of the Royal Canadian Mounted Police Act, chapter 54, Statutes of Canada, 1959. (English text).

Report on the Administration of Part I of the Royal Canadian Mounted Police Superannuation Act for the fiscal year ended March 31, 1968, pursuant to section 25 of the said Act, chapter 34, Statutes of Canada, 1959. (English and French texts).

Report on the Administration of the Veterans' Business and Professional Loans Act for the fiscal year ended March 31, 1968, pursuant to section 13 of the said Act, chapter 278, R.S.C., 1952. (English and French texts).

Consolidated Index and Table of Statutory Orders and Regulations published in the *Canada Gazette*, Part II, for the period January 1, 1955 to March 31, 1968. (English and French texts).

Consolidated Index and Table of Statutory Orders and Regulations published in the *Canada Gazette*, Part II, for the period January 1, 1955 to June 30, 1968. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, April 24, May 8 and 22, June 12 and 26, July 10 and 24, August 14 and 28, 1968, pursuant to section 7 of the Regulations Act, Chapter 235, R.S.C., 1952. (English and French texts).

Report on Operations under Part II of the Export Credits Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 27 of the said Act, Chapter 105, R.S.C., 1952. (English and French texts).

Report of Crown Assets Disposal Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 14 of the Surplus Crown Assets Act, chapter 260, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Canadian Government Printing Bureau for the year ended December 31, 1967, pursuant to section 36 of the Public Printing and Stationery Act, chapter 226, R.S.C., 1952. (English and French texts).

Report of Canadian Arsenals Limited, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Canadian Commerical Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report on the Administration of Old Age Assistance in Canada for the fiscal year ended March 31, 1967, pursuant to

section 12 of the Old Age Assistance Act, chapter 199, R.S.C., 1952. (English and French texts).

Report on the Administration of Allowances for Blind Persons in Canada for the fiscal year ended March 31, 1967, pursuant to section 12 of the Blind Persons Act, chapter 17, R.S.C., 1952. (English and French texts).

Financial Statement on the operations of the Veterans Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 20 of the said Act, Chapter 279, R.S.C., 1952. (English and French texts).

Financial Statement on the operations of The Returned Soldiers' Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 17(2) of the said Act, chapter 54, Statutes of Canada, 1920, as amended 1951. (English and French texts).

Statement of Expenditures and Financial Commitments made under the Veterans' Land Act for the fiscal year ended March 31, 1968, pursuant to section 42 of the said Act, chapter 280, R.S.C., 1952. (English and French texts).

Report on the Administration of Allowances for Disabled Persons in Canada for the fiscal year ended March 31, 1968, pursuant to section 12 of the Disabled Persons Act, chapter 55, Statutes of Canada, 1953-54. (English and French texts).

Report of Expenditures and Administration in connection with the Unemployment Assistance Act for the fiscal year ended March 31, 1967, pursuant to section 9 of the said Act, chapter 26, Statutes of Canada, 1956. (English and French texts).

Report of the Board of Trustees of the Queen Elizabeth II Canadian Fund to Aid in Research on the Diseases of Children, including the Auditor General's Report on the Financial Statements of the Board, for the fiscal year ended March 31, 1968, pursuant to section 15 of the Queen Elizabeth II Canadian Research Fund Act, chapter 33, Statutes of Canada, 1959. (English and French texts).

Report of the Science Council of Canada for the fiscal year ended March 31, 1968, pursuant to section 17 of the Science Council of Canada Act, chapter 19, Statutes of Canada, 1966-67. (English and French texts).

Report, dated April 1, 1968, of the Restrictive Trade Practices Commission under the Combines Investigation Act, relating to the Distribution, Sale and Supply of Glassware and Related Products in Canada. (English and French texts).

Report, dated June 19, 1968, of the Restrictive Trade Practices Commission under the Combines Investigation Act, relating to the Supply and Installation of Resilient Flooring and Related Products in Metropolitan Toronto. (English and French texts).

Report, dated May 9, 1968, of the Restrictive Trade Practices Commission under the Combines Investigation Act, relating to the Production, Distribution and Sale of Skim Milk, Cream and Related Products. (English and French texts).

Report of The Seaway International Bridge Corporation, Ltd., for the year ended December 31, 1967, certified by the Auditor General, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of The St. Lawrence Seaway Authority, including its Accounts and Financial Statements certified by the Auditor General, for the year ended December 31, 1967, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the National Harbours Board, including its Accounts and Financial Statements certified by the Auditor General, for the year ended December 31, 1967, pursuant to section 32 of the National Harbours Board Act, chapter 187, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Department of Transport for the fiscal year ended March 31, 1967, pursuant to section 34 of the Department of Transport Act, chapter 79, R.S.C., 1952. (English and French texts).

Capital Budget of the National Harbours Board for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French

texts), together with copy of Order in Council P.C. 1968-273, dated February 8, 1968, approving same.

Statement of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, respecting the construction by the Caandian National Railway Company, of certain railway terminal facilities at and in the vicinity of the City of Toronto, pursuant to section 10 of the Canadian National Toronto Terminals Act, chapter 26, Statutes of Canada, 1960. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 7, Statutes of Canada, 1960-61, respecting the construction by the Canadian National Railway Company of a railway line from mile 72.6 Kiask Falls Subdivision, to Mattagami Lake Mines, Township of Galinee, in the Province of Quebec, pursuant to section 8 of the said Act. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 56, Statutes of Canada, 1960-61, respecting the construction, by the Canadian National Railway Company, of a line of railway from a point near Grimshaw, in the Province of Alberta, in a northerly direction to Great Slave Lake in the Northwest Territories, pursuant to section 9 of the said Act. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 11, Statutes of Canada, 1962-63, respecting the construction, by the Canadian National Railway Company, of a line of railway from a point from Nepisiguit Junction in a southerly and westerly direction to a point approximately in the middle of the western half of the Parish of Bathurst in the Province of New Brunswick to the property of Brunswick Mining and Smelting Corporation Limited, pursuant to section 8 of the said Act. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 14, Statutes of Canada, 1965, respecting the construction, by the Canadian National Railway Company, of a line of railway from a point near mile 3.2 of the Froomfield Spur, south of Sarnia, southerly to the property of Canadian Industries Limited in Sombra Township, County of Lambton, in the Province of Ontario, pursuant to section 1 of the said Act. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 35, Statutes of Canada, 1966, respecting the construction, by the Canadian National Railway Company, of a line of railway from the vicinity of Stall Lake in a northeasterly direction to a point in the vicinity of Osborne Lake in the Pas Mining District, in the Province of Manitoba. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 35, Statutes of Canada, 1966, respecting the construction, by the Canadian National Railway Company, of a line of railway from the vicinity of Watrous in a northeasterly direction to a point in the vicinity of Guernsey, in the Province of Saskatchewan. (English and French texts).

Report of work performed and expenditures made as of December 31, 1967, together with estimated expenditures for 1968, under authority of chapter 15, Statutes of Canada, 1966, respecting the construction, by the Canadian National Railway Company, of a line of railway from the vicinity of Amesdale on the Redditt Subdivision, in a northwesterly direction to a point near Iron Bay on the westerly shore of Bruce Lake, in the Province of Ontario. (English and French texts).

Report of exemptions authorized by the Minister of Transport under section 137 of the Canada Shipping Act in cases where no master or officer was available with required certificate and experience, for the year ended December 31, 1967, pursuant to section 137(2) of the said Act, chapter 29, R.S.C., 1952 (English text).

Order in Council P.C. 1968-1434, dated July 17, 1968, authorizing, under section

21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of antenna feed system items and ground communication equipment for a telecommunications system for satellite communication by Empresa Brasileira de Telecomumicacoes, Rio de Janeiro, Brazil, from RCA Victor Company, Ltd., Montreal, Quebec, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Order in Council P.C. 1968-968, dated May 15, 1968, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of crossbar exchange equipment, cable, station equipment and materials, and services by Republic Telephone Company Inc., Pasig, Rizal, Philippines, from Northern Electric Company, Limited, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Order in Council P.C. 1968-1047, dated May 29, 1968, authorizing, under section 21 of the Export Credits Insurance Act, contracts of insurance by the Export Credits Insurance Corporation for the sale of 300,000 metric tons of Canadian wheat to the Polish People's Republic, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Capital Budget of the Export Credits Insurance Corporation for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-717, dated April 10, 1968, approving same. (English text).

Report and Financial Statements of the Export Credits Insurance Corporation, certified by the Auditor General, for the year ended December 31, 1967, pursuant to sections 17(3) and 18 of the Export Credits Insurance Act, chapter 105, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952 (English and French texts).

Annual Report of the Minister of Trade and Commerce under the Corporations and Labour Unions Returns Act (Part II, Labour Unions), for the fiscal periods ending in 1966, pursuant to section 16 of the said Act, chapter 26, Statutes of Canada, 1962. (English and French texts).

Supplementary Report of The Canadian Wheat Board on the 1966-67 Pool Accounts for Wheat, Oats and Barley, certified by the Auditors, pursuant to section 7(2) of the Canadian Wheat Board Act, chapter 44, R.S.C. 1952. (English and French texts).

Statement by the Department of National Defence of Moneys received and disbursed in the Special Account (Replacement of Material), for the fiscal year ended March 31, 1968, pursuant to section 11(4) of the National Defence Act, chapter 184, R.S.C. 1952. (English and French texts).

Report of Defence Construction (1951) Limited, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C. 1952. (English and French).

Report on the Administration of the Canadian Forces Superannuation Account for the fiscal year ended March 31, 1968, pursuant to section 26 of the Canadian Forces Superannuation Act, chapter 21, Statutes of Canada, 1959. (English and French texts).

Report on the Regular Forces Death Benefit Account as at the end of the fiscal year 1967-68, pursuant to section 54 of the Statute Law (Superannuation) Amendment Act, 1966. chapter 44, Statutes of Canada, 1966-67. (English and French texts).

Order in Council. P.C. 1968-527, dated March 19, 1968, authorizing, under section 21 of the Export Credits Insurance Act, a contract of insurance by the Export Credits Insurance Corporation for the sale of 70,000 metric tons of Canadian wheat to the Hungarian People's Republic, pursuant to section 21B of the said Act, chapter 105, R.S.C. 1952, as amended 1960-61. (English text).

Order in Council P.C. 1968-526, dated March 19, 1968, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the

purchase of nine DHC-4A Caribou aircraft, product support and services by the Government of Malaysia from The de Havilland Aircraft of Canada, Limited, Downsview, Ontario, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, September 11, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

PUBLICATION OF STATUTES ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin presented Bill S-2, to amend the Publication of Statutes Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

CANADA EVIDENCE ACT

BILL TO AMEND—FIRST READING

Hon. Mr. Martin presented Bill S-3, to amend the Canada Evidence Act.

Bill read first time.

Hon. Mr. Martin moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

PRECIOUS METALS MARKING BILL

FIRST READING

Hon. Mr. Martin presented Bill S-4, respecting the marking of articles containing precious metals.

Bill read first time.

Hon. Mr. Martin moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION ACT

BILL TO AMEND—FIRST READING

Hon. Mr. Martin presented Bill S-5, to amend the Canadian Overseas Telecommunication Corporation Act.

Bill read first time.

Hon. Mr. Martin moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

OMBUDSMAN COMMITTEE

PROPOSED COMMITTEE—NOTICE OF MOTION

Hon. Arthur W. Roebuck: Honourable senators, I have the honour this afternoon to represent the enterprising and forward-looking senator who is my desk mate. Senator Croll has asked me to give two notices on his behalf, which I have very great pleasure in doing because I thoroughly agree with their contents.

First I give notice that Senator Croll, on Tuesday next, September 17, 1968, will move:

> That the Senate considers it desirable to establish at an early date a committee of the Senate, to be known as the "Ombudsman Committee", to inquire into and report to the Senate on any matter or thing within the jurisdiction of Parliament relevant to the protection of human rights and fundamental freedoms, and the prevention of unjust or arbitrary conduct, and in particular to investigate and report upon any grievance complained of as a result of administrative action for which no other remedy is available.

POVERTY IN CANADA

PROPOSED SPECIAL COMMITTEE—NOTICE OF MOTION

Hon. Mr. Roebuck: I have a further notice, honourable senators, under the same conditions on behalf of Senator Croll:

> That a Special Committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada, whether urban, rural, regional or otherwise, to define and elucidate the problem of poverty in Canada, and to

recommend appropriate action to ensure the establishment of a more effective structure of remedial measures;

That the committee have power to engage the services of such counsel staff and technical advisers as may be necessary for the purpose of the inquiry;

That the committee have power to send for persons, papers and records, to examine witnesses, and to report from time to time;

That the committee be authorized to print such papers and evidence from day to day as may be ordered by the committee, to sit during sittings and adjournments of the Senate, and to adjourn from place to place; and

That the committee be composed of seventeen Senators, to be named later.

SCIENCE POLICY

PROPOSED SPECIAL COMMITTEE—NOTICE OF MOTION

Hon. Maurice Lamontagne: Honourable senators, I give notice that on Tuesday next, September 17, 1968, I will move:

That a Special Committee of the Senate be appointed to consider and report on the science policy of the Federal Government with the object of appraising its priorities, its budget and its efficiency in the light of the experience of other industrialized countries and of the requirements of the new scientific age and, without restricting the generality of the foregoing, to inquire into and report upon the following:

(a) recent trends in research and development expenditures in Canada as compared with those in other industrialized countries;

(b) research and development activities carried out by the Federal Government in the fields of physical, life and human sciences;

(c) federal assistance to research and development activities carried out by individuals, universities, industry and other groups in the three scientific fields mentioned above; and

(d) the broad principles, the long-term financial requirements and the structural organization of a dynamic and efficient science policy for Canada.

That the committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the inquiry;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time, to print such papers and evidence from day to day as may be ordered by the committee, to sit during sittings and adjournments of the Senate, and to adjourn from place to place;

That the papers and evidence received and taken on the subject in the preceding session be referred to the committee; and

That the committee be composed of the Honourable Senators Aird, Argue, Belisle, Bourget, Cameron, Desruisseaux, Grosart, Hayes, Kinnear, Lamontagne, Lang, Leonard, MacKenzie, O'Leary (Carleton), Phillips (Prince), Sullivan, Thompson and Yuzyk.

SPEECH FROM THE THRONE

TERMINATION OF DEBATE—NOTICE OF MOTION

Hon. Paul Martin: Honourable senators, I give notice that on Tuesday next, September 17, 1968, I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for an Address in reply to His Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, September 17, 1968, at 8 o'clock in the evening.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE ADJOURNED

The Senate proceeded to consideration of His Excellency the Governor General's speech at the opening of the session.

Hon. Lazarus Phillips moved, seconded by Hon. Raymond Eudes:

That the following Address be presented to His Excellency the Governor General to offer the humble thanks of this house to His Excellency for the gracious speech which he has been pleased to make to both Houses of Parliament, namely:

To His Excellency, the Right Honourable Roland Michener, Chancellor and Principal Companion of the Order of Canada, upon whom has been conferred the Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

May it please Your Excellency:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada, in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious speech which Your Excellency has addressed to both Houses of Parliament.

Honourable senators, I pray your indulgence as this is the first time that I have had the privilege of speaking to you in this chamber.

[*Translation*]

First of all, I wish to take this opportunity to congratulate the honourable Senator Deschatelets on his appointment. He succeeds the honourable Senator Sydney J. Smith who has discharged so admirably the arduous duties of that office.

Our new speaker has already proved his great qualities as an individual and as a member, qualities which, enhanced by his personal charm, guarantee that under his guidance, our debates will proceed according to the highest traditions of this august chamber.

Indeed, those who most deserve to be congratulated are all the honourable senators.

[*English*]

We start this session with a new Government Leader—a world renowned statesman and one of Canada's most illustrious sons. He succeeds Senator John J. Connolly, a colleague beloved by us, whose guidance in the past was of invaluable benefit to all in this chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Phillips (Rigaud): In the person of Senator Paul Martin we shall have the advantage of direction and guidance based upon unrivalled continuous experience for many years in the public arena.

In recent months the Canadian electorate has expressed its views as to the constitution of the membership of the other house, with consequent Government changes. As a result of such election, we are assured of political stability.

The cry for Canadian unity has resounded loudly through the land, and we in this chamber, together with those in the other chamber, are now called upon to give effect to the views of the electorate. This is not the time for smug self-assurance on the part of the victors, or for wakes on the part of the non-victors. What is required is an inspired desire and will to proceed to the performance of great tasks.

In this connection, knowing, as I do, the love of country shared by Senator Flynn and his colleagues, and without derogation from Senator Flynn's high responsibilities as Leader of the Opposition, we can look forward to a very serious session of deliberations, for the consideration of legislation and other matters.

I thank my Leader (Hon. Mr. Martin) for the honour accorded me in moving the Address in Reply to the Speech from the Throne. I come, honourable senators, from an ancient and proud race, and I practise a religion which has not been unconnected with the spread of civilization on this planet. I should like to feel that when the Right Honourable Lester Pearson recommended my appointment to this chamber he had in mind giving recognition to the ethnic group to which I belong. I hope honourable senators will agree with me that in the development of our beloved Canada this group has contributed its fair share to the country's communal, political, economic, cultural and intellectual activities.

Hon. Senators: Hear, hear.

Hon. Mr. Phillips (Rigaud): The Speech from the Throne, awaited with great interest by the entire nation, not only displays the qualities of leadership of our Prime Minister, in co-operation with his colleagues, but also reflects the serious study given to the more immediate pressing problems facing us. It is hoped that the legislation which will be submitted for our consideration will do much to eliminate these problems and, in the result, to bring about a higher standard of living and more assured prospects of orderly development in a peaceful state.

The pith and substance of the Speech we heard yesterday were summarized by two observations made therein, which I quote. The first:

> My Government is deeply ... committed to the objectives of a just society and a prosperous economy in a peaceful world.

And the second:

> ...the righting of wrongs and ... the opening of opportunities long denied.

Highlighting the legislative program, after dealing initially with the improvement of parliamentary rules and procedures, are the following:

1. An Official Languages Act, as one phase of constitutional reform.

2. The establishment of a department charged with the objective of ensuring that people in all areas and regions of our country have as equal access as possible to the opportunities of Canada's economic development.

3. The formation of a Costs and Prices Review Board.

4. Measures to protect farmers and fishermen, and incentives for oil and gas production.

5. The formation of an institution where long-term research and thinking on governmental matters can be carried out.

I am hopeful that in the monetary and fiscal fields we shall, during the session, see the implementation of policies which will assure us of a sound and stable dollar; a balanced budget; and a thorough revision of the Income Tax Act, preferably by the use of the English and French languages in such act, for the purpose of introducing precision and clarity rather than obfuscation and confusion, which has been the case in the past.

As one of the great trading nations of the world, it is a matter of primary importance that we bring an end to the inflationary spiral and stabilize the price and wage structure in our country so that we may retain and expand our markets in the world and at the same time bring about an equilibrium between the income of the average Canadian earner and the price that he is required to pay for commodities and services.

It is in order that we ask organized labour to be, shall I say, discreet and helpful in not making inordinate demands, but it would not be fair if such request were not accompanied by the introduction of such economic conditions and the performance of such acts that will be required in order to stabilize the price structure.

Essentially, we must create a climate in which all are interested in increasing production, provided all benefit thereby. The emphasis should be on productivity rather than on the equities of distribution, even though the latter should, of course, not be overlooked. When guests, both invited and uninvited, assemble at the dinner table there is a greater likelihood that appetite will be satisfied and thirst assuaged if there is food and water on the table. No high moral or ethical principles by way of economic dissertation will mean much if the dinner table is bare.

In view of the limited time at my disposal, honourable senators will appreciate that I will be able to deal only with a few of the subject matters either dealt with or alluded to in the Speech from the Throne.

The recent events in Eastern Europe have shocked all liberty loving people, including ourselves. That such has happened in other lands surely should make us realize how fortunate we are in being the current beneficiaries of institutions of liberty and self-expression for which we are indebted to prior generations who fought and struggled for the evolution and development of these institutions which constitute the cornerstone of our liberties.

Our geographical location between the giant super-power of the U.S.S.R. to the immediate north of us, and that of the United States to the south, places our land in a uniquely vulnerable position. The importance of avoiding thermo-nuclear warfare which would lead to the annihilation of civilization is of paramount consideration. If catastrophic warfare were to break out, Canada would be a filbert crushed between the powerful nutcracker from the north and the south. A mere realization of this fact should make us particularly anxious to contribute in every way to every attempt that is being made for peace and order in the world.

In a large country such as ours there is a natural tendency on the domestic scene to approach some problems on a regional and sometimes on a parochial basis. Current events outside of Canada should bring us back to a proper perspective of the world scene. We must continue to co-operate with all liberty-loving peoples so that our heritage be not destroyed.

We have been subjected in recent days to a shock of a different nature in terms of the report submitted by the Economic Council of Canada. The low standard of living of a large portion of our population surely calls for profound study.

[*Translation*]

We, twenty million Canadians, can hardly boast of the vast natural resources by which Divine Providence blessed our country, as long as a substantial proportion of our fellow-citizens spend their lives in the shadow of poverty and despair.

[*English*]

The report suggests that this chamber could well be used as the instrument for a study of the root causes of this problem, and for the formulation of remedial policies for submission to the proper executive authority. Honourable senators are aware, of course, that the present Government is giving serious consideration to this whole subject matter, and I am sure that this house would want the honourable Leader of the Government (Hon. Mr. Martin) to inform his colleagues of our appreciation of our responsibilities and of our desire to co-operate in every way possible.

I have alluded to the subject matter of national unity. Born and reared as I have been in the Province of Quebec, I am extremely responsive to the legitimate aspirations of the predominant majority in my province.

Having regard to my membership in a so-called minority of minorities, I must, however, with emphasis, draw the attention of honourable senators to the fact that there are millions of Canadians in this country who are not classified as belonging to the so-called two founding races. I should like to record the views of this important grouping that in the pluralistic mosaic of Canada the aspirations and ambitions of all Canadians must be placed on an equal footing. This is not by way of suggesting any delimitation or restriction to the legitimate constitutional and historic rights of the two great races that assisted in founding this country.

[*Translation*]

National unity will not exist within our country and, as a nation, our destiny will remain unachieved until such time as the word "Canadian" means, for all Canadians, the sum total of the rights, privileges, duties and obligations which every citizen of this country enjoys and shares equally, from sea to sea, regardless of his ethnic origin or religion.

[*English*]

During the last election campaign we heard a great deal about Senate reform.

We are living in a country where universal suffrage has changed the character of our parliamentary institutions and of the executive branch of government. The legitimate but, on occasion, strident demands of the social welfare state expressed through its citizenry has resulted in the evolution of governmental institutions now under the control of the executive and administrative branches of our federal Government.

This in itself is not an evil, provided that there are necessary corrective forces to see that authority does not lead to abuse, and abuse to indifference to the public welfare. In this respect the judiciary can play an important part having regard to the constitutional protections, both written and unwritten, enjoyed by every citizen.

Honourable senators, this chamber, in my opinion, can also perform a useful purpose in that respect. Contrary to some impressions, the concept that this house is a citadel of privilege and a fortress of prejudice does not conform to the facts. To the extent that we were subjected to feudalism in this country, we have emerged from this condition and this house does not partake of those outdated and quasimediaeval characteristics. It is my view, therefore, that this house can be considered as one which is completely au courant with current social and political trends. In our deliberations in this august chamber, it is my earnest belief that one of our prime duties should be to see that at all times the fundamental rights of our fellow Canadians are not impaired in any way and that our essential liberties remain at all times without being subject to erosion.

It might well be desirable that a careful study be made by a committee of this house to consider ways and means for the purposes of bringing about this desired objective.

The constitutional issue and the distribution of powers between the central and provincial governments is, of course, a matter of grave concern to all of us. All governing bodies enjoy the privilege of taxing the citizen and in the struggle for such right too little attention is paid to the citizen who, because of the bloodletting, may be subjected to a form of anaemia which in due course could lead to an accelerated demise.

In the final analysis the wellbeing of the community consists in the happiness of the individual, and surely that individual is most happy in a free state when he is given the opportunity to accumulate some worth for the benefit of his family. In my professional capacity I have witnessed the results of the impairment of initiative resulting from excessive taxation. Notwithstanding the pressures of groups, this country will not succeed in reaching true maturity and great heights unless the individual is encouraged to improve his lot to a reasonable degree. Such encouragement leads to improved education by the individual himself, greater initiative and a display of discipline, all of which tend to improve the person himself.

These observations, I am aware, ring in the ears of some people as if I were speaking from a nineteenth century platform. In my opinion, however, these good old-fashioned virtues still have considerable value.

Universal suffrage, as predicted, tends to make governments responsive to group pressures. Courage is required to resist the same. However, it is the duty of government not to spoon-feed people but to create that political, economic and social climate which will enable the individual to develop the inner qualities and gifts with which he is endowed by nature. Let us hear less of giving and a little more of encouraging others to do things for themselves.

It is part of the normal political scene in a democratic country to hear much about the "just society", disparity in regional economic development, our lag in the production of technical facilities for the development of our natural resources, our failure to increase our gross national product at a fair rate, our serious maladjustment in the distribution of our gross national product, our fear of foreign investment, the relationship of capital, business and labour, the generation gap and campus unrest, all of which cumulatively create in the minds of some people a certain malaise. This should not be so.

The subject-matters to which I have just referred are merely the normal problems that arise within a vigorous democratic nation which is on the march. We should not be worried about differences of opinion between various groups of our population, because perfection is not the lot of man and there will always be problems that will have to be solved. I would assume that honourable senators would prefer living in a vigorous imperfect society rather than be lulled into lassitude in a perfect society.

What is important, however, and what should be the cause for concern, is the fact that some of these problems are approached by fellow Canadians with acrimony, bitterness, lack of understanding and respect and, alas, sometimes with violence. In such an atmosphere solutions of a lasting nature cannot be made.

The essence, as I see it, honourable senators, is that we must attempt to develop, not by way of lip-service only, but, in truth, a mutual regard and respect one for the other, and having done so we must mobilize not only our personal intellectual resources but also all the institutional facilities that we have available—our provincial governments, our federal government, our business institutions, our universities—all these co-operating in any orderly fashion to meet the problems of the day.

A great political thinker of the nineteenth century—my impression is that it was Walter Bagehot—stated that there is a danger that people do not truly believe in the biblical message that man was made in the image of God. If one truly believed that this were so, then one could appreciate the divine spark that rests in all of us, and this would be very helpful indeed when sitting down to conference tables in attempting to solve differences. We open our deliberations in this chamber by reading from the Bible. As we listen to these prayers it would be well also to hear that voice from the Bible which speaks of this divine spark.

Let us, therefore, honourable senators, thank Providence for this our great and glorious country. Let us commit ourselves to the cause of world peace. Let us attempt to obliterate, or at least reduce, poverty in our land. Let us in utter humility attempt to be fair to all of those who have been denied some of the good things of life that are given to others. In the process we shall enrich our own personalities and bring about a greater and richer Canada.

Before closing I desire to thank honourable senators for the courtesies and amenities extended to me since my entry into this chamber. I am particularly grateful to Senator Flynn for overlooking the fact that I have been a loyal and persistent devotee of a party to which he does not belong, and in this respect he has overlooked my lack of judgment and perspicacity.

I should also like to remind the house that owing to statutory limitations, and subject to Divine wish, I will not be with your for more

than two years, and therefore the trials and tribulations to which you have been subjected today will not be extended over too long a period, during which I shall not be able to do too much harm.

[*Translation*]

Hon. Raymond Eudes: Honourable senators, while delivering my first speech in this house, I am pleased to congratulate our Speaker, the honourable Senator Jean-Paul Deschatelets. His experience as a member and a minister, as well as that acquired as assistant to the leader of this house, his personal qualities, his judgment, his integrity and his dignity make him worthy of this high office. I pray you, Mr. Speaker, to accept my congratulations and my best wishes.

Honourable senators, allow me also to offer my good wishes and congratulations to the Leader of the Senate, the Honourable Paul Martin. His parliamentary experience of more than thirty-three years, the great number of duties which he so brilliantly exercised in this Parliament, his great intelligence and his comprehensive knowledge make him highly qualified to hold this high position.

It is a pleasure for me also, honourable senators, to extend my congratulations to the mover of the Address in reply to the Speech from the Throne. Through its clear and lucid thinking, the speech of the honourable senator Phillips (Rigaud) is a contribution of great value to the debate which opens this 28th Parliament.

More than twenty-five years of parliamentary life in the other house have enabled me to judge and appreciate the quality and usefulness, in our democratic system, of the work done by the Senate, without fanfare, but with an efficiency stamped with experience and wisdom.

Those qualities are precisely those which have characterized the fifty years of parliamentary life of my predecessor, the honourable Thomas Vien, and which still sustain his unflagging activity, his youthful spirit, his strong intellect, his open mind with regard to new ideas. I wish to express to him my deep gratitude.

My gratitude extends also to the Right Honourable Lester B. Pearson.

To govern a country founded by two ethnic groups, peopled by races with various cultures, made up of ten provinces with unequal resources and where economic disparity can be found; to strengthen a shaky unity; to increase productivity while avoiding the hazards of inflation; to put a country with 20 million inhabitants among the first in the world, those are some of the hard tasks successfully completed by Mr. Pearson.

He is well known for his simplicity, his unselfishness, his sincerity. He is sought for his competence. His reputation extends throughout the world.

History will refer to this man who gave Canada its flag, its national anthem, as a very great Canadian and as one of the most eminent prime ministers of his country. I express my admiration for him.

The speech of His Excellency the Governor General plunged all Canadians into the full reality of the political, economic, and social situation. The time for dreams is past. That of positive and total action follows. Each and everyone of us, the ordinary citizens, as well as the legislators and leaders, we are forced to find ourselves, individually and collectively, to realize, in all its human possibility, the just society.

The just society is undeniably sought by everyone. It is around that theme, that with the deepest conviction, lucidity, and relentless logic, determination devoid of hesitation or weakness, the prime minister Pierre Elliott Trudeau built the last electoral campaign. Thus, and at long last, Canada gave itself a majority government.

A just society must give everyone the greatest possible measure of freedom, happiness, material well-being in a world at peace.

A glance at the world convinces us that Canada is a privileged country.

Look at our neighbours: racial segregation; and elsewhere, famine, war, violations of individual and national freedoms.

Here, we have an affluent society: huge and varied natural resources, enviable prosperity, a high standard of living, a social security system in full development, an increasingly higher degree of education amongst its people, an atmosphere of freedom, the possibility for individuals to participate in a government "of the people, by the people, for the people".

Still, we have problems. The recent report of the Economic Council of Canada ruthlessly brings it home to us. But, alas, as usual, it is easier to define the illness than to find the cure.

In Canada, poverty is a fact of life. Its persistance at a time where the majority of Canadians enjoy one of the highest standards of living in the world is a disgrace.

How can we speak of a just society in Canada when a fifth of its citizens do not partake of its material wealth, when whole areas of its territory, well-defined geographically, are almost excluded from its prosperity?

How can we speak of a just society when, we know from experience what difficulties certain classes of our society encounter to pick up those crumbs of a prosperity which, in fact, is theirs by rights.

The Speech from the Throne heralds the determination of the government to establish and strengthen this just society in which all Canadians, whatever their region, their language their profession or trade, may take a full share in the affluent society which is Canada. The human mind does not know of rest. The establishment of a just society is everybody's responsibility. It is a primordial and essential truth, which cannot bear one instant of apathy. In particular, it is our truth, the truth of the members of this Parliament and of the Senate. There will always be problems, evils to suppress, improvements to make. The progress of science and technology are changing the world each day, and every government must be ready to adapt itself to inevitable changes. None of their gaps can be filled without a constant intellectual effort, without financial resources which, because they are limited, must be used according to a careful and general planning and a strict order of priorities.

The just society will require the revision of our federation, with a view that justice in our country is but an idle dream without a stronger Canadian unity, a closer and more efficient co-operation between the federal Government and the provinces, both with regard to economic and financial as well as linguistic and cultural matters.

Social security programs, legislation concerning industrial relations and labour disputes must also be revised in the light of the experience now acquired and of the basic principles concerning the relations between the State and the individual. An individual realization of that fact is necessary, because the State cannot do everything; it is not a perpetual Santa Claus. It must not replace the individual and relieve him of his obligations. However, it is its responsibility to see to it that each and every right of the individual is preserved and to protect aggressively every one of his liberties; for instance, with regard to advertising, definitely exaggerated and often deceiving, on health, consumption and investment. We must also get rid of stupid slogans religiously followed such as "Buy now, pay later".

Therefore, a just society is on the one hand a just Canada. It is also and especially a just world. Our role extends to the international society and, at that level, our responsibilities are unlimited.

We, as Canadians, are really privileged. We live in an affluent society, in a civilization whose standard of living makes it even possible to consider the organization of our leisure time, while two-thirds of the humanity fight daily for their survival.

How many men, women and children have died from hunger, disease or exhaustion since the speech from the throne was read. How many of them have fallen victims of disasters or wars of which we had a glimpse only a few days ago on our TV screens, as we thanked God we were spared. At this very minute, how many babies are born only to be doomed to about thirty years of a miserable life, obsessed by the daily hunt for a slice of bread or a bowl of rice. The gap separating the "have" and the "have not" nations is getting forever deeper at an alarming pace.

The rich become richer and the poor become poorer. The political tension between East and West is not relaxing and is second only to another tension, which is vital for mankind, between the Northern and the Southern hemispheres.

The countries of Latin America, Africa and Asia are desperately seeking to occupy the place which is theirs, by right, at the table of humanity, under which fall sparingly the remains left by privileged nations.

Two thirds of humanity call for their just society.

Our responsibilities are enormous. They are burdensome, all the more so because Heaven has gratified us with privileges we do not deserve. Just society has no nationality. A just society in Canada cannot be conceived without a just society in the world.

The setting up of such a just society in Canada and in the world will be the basic concern of our business during this session.

The Speech from the Throne is a starting point. Let all the bills we shall have to exam-

ine, let all the debates in this house, be kindled with that spirit of social justice, an active and participating justice that the Canadian people can rightly expect from us.

As the Right Honourable Lester B. Pearson said in his last political speech:

> Failures are made only by those who fail to dare, not by those who dare to fail.

Honourable senators, I have the honour of seconding the motion of the honourable Senator Phillips, for an Address in reply to the Speech from the Throne.

On motion of Hon. Mr. Flynn, debate adjourned.

The Senate adjourned until Tuesday, September 17 at 8 p.m.

THE SENATE

Tuesday, September 17, 1968

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

TRIBUTES

RETIREMENT OF HON. THOMAS VIEN, HON. M. WALLACE McCUTCHEON, AND HON. JEAN-FRANÇOIS POULIOT; DEATH OF HON. F. W. GERSHAW AND HON. CHARLES GAVAN POWER

Hon. John J. Connolly: Honourable senators, during the prorogation of Parliament five of our colleagues resigned or died and are no longer with us. The Leader of the Government (Hon. Mr. Martin) has been kind enough to suggest that on this occasion it might be appropriate, because I had been the Leader of the Government during their terms here, if I led off in the tributes that are customarily paid to our departed colleagues. I thank him indeed for this courtesy. I am sure, Mr. Speaker, both you and the new Leader of the Government will understand if on an occasion like this I do not observe the amenities usually accorded both to a new Leader and to a new Speaker. That I will perhaps have occasion to do in the course of the debate on the Speech from the Throne.

The first of our colleagues to which I would refer is the Honourable Thomas Vien, who resigned from the Senate on April 1, 1968. I do not intend to repeat the tribute which was paid to Senator Vien—a former Speaker of this house—on December 20 last. We all remember the pleasant occasion then, when we honoured both Senator Vien and Senator Power, on the occasion of the fiftieth anniversary of their entry into Parliament. It was a Confederation project of the Senate, if you will. Both had seen Confederation develop from the benches of Parliament and both had contributed personally to the process.

Senator Vien was 26 years in the Senate. He was appointed in September 1942. In Parliament he held many important offices. He was elected Deputy Speaker of the House of Commons in 1940, was summoned to the Senate in 1942, and appointed Speaker of the Senate in 1943. He is, and was, one of the leaders of the Bar of Montreal, and I am happy to say he continues his practice there.

I sometimes wonder if we ever had a more courteous or a more gentlemanly colleague than Senator Vien. His was certainly *la grande manière*—and he did not assume it; it was in his makeup.

On behalf of all senators, I thank him for the years, the many years, of service which he rendered to Parliament; and in doing so I wish for him and for his wife and children, and for their children, many years of happiness together.

We sustained another loss in the resignation of Senator M. Wallace McCutcheon on May 13 of this year. Senator McCutcheon was one of our colleagues for but six short years. In that time, however, he made a very notable contribution to the Senate. Abundantly reflected in his speeches was his broad experience in business and in many other facets of national life. In committees his examination of witnesses testified not only to his early training as a lawyer but to his eminence in the field of actuarial science.

Idle words never fell from Senator McCutcheon's lips here. He was too preoccupied with the serious work that was to be done both in Government and in Opposition.

He was a Minister, at first without portfolio but later of Trade and Commerce.

The bare elements of his career in the *Parliamentary Guide* are a litany of offices he held in enterprises both public and private that contribute enormously to our national life.

Personally, I regretted his decision to resign. In fact, I tried to dissuade him, as did many other senators, but he wanted, in his own words, "to be where the action was"—in the House of Commons. His motives were noble, even if history and precedent—including the notable precedent of the Right Honourable Arthur Meighen—were against him.

Honourable senators, action in public affairs is a virtue, but so too are reflection and wise judgment, and, as he proved by his years of performance, Senator McCutcheon would have been just as effective here as in the other house.

As I thank him for his immense service to Parliament and, incidentally, for his personal kindness to me during the years of my leadership, I express on behalf of all of his former colleagues here our wish that, with his wonderful wife and fine family around him, he will find satisfaction in all his future undertakings as well as in the distinguished service he gave with the Senate as his forum.

I think it came as somewhat of a shock to us all on June 28 to learn that Jean François Pouliot had resigned his seat in the Senate. No one will deny the independence of Senator Pouliot in thought, word and deed. My first recollection of him is from the days when I was a student. I was having a holiday on the lower St. Lawrence and, as I was going past the parish church in Cacouna on Sunday morning after mass, Jean François was standing in the back of a car haranguing the crowd. I need not tell you that there was an election on. He was fiery then and the fire even yet is not an ember.

Senator Pouliot came from a family which served its province and its country in public life through three generations. His own service probably outstripped them all. He was in the House of Commons for 31 years of continuous service from 1924 and he was in the Senate, where he had 13 years' service, from 1955—a total of 44 years of service to the Parliament of his country. In these years he strove mightily for the welfare of the people of Temiscouata. One never thinks of Temiscouata without immediately thinking of Jean-François Pouliot. His people look out from their fertile farms to the Laurentians to the north, farther away than the 25-mile expanse of the St. Lawrence at that point; they see the beautiful offshore islands, the Pilgrims and Brandy Pots; they see the shipping of the world pass by; they are a contented, law-abiding people and Jean-François Pouliot made himself part of their daily life.

One wishes one could record some of the events of his parliamentary career. Today colour is said to be a great asset in public life. He invented it! Today pungent criticism is of the very fabric of public debate. He epitomized it! Today bilingualism is one of our worthiest national goals. He personified it! Today humour and wit still enliven the political dialogue, or should. Both were the handmaidens of his performances! I hope some day his biography will be written, and it might well be called "An Independent among Partisans". Certainly we shall miss him.

As a lawyer, as a juristconsult, as a journalist, as a man with a sense of history—all this is in his record, though only sketched in the *Canadian Parliamentary Guide*. Perhaps it is to be found more voluminously in the records of *Hansard* both of the House of Commons and of this honourable house.

We wish the charming Madame Pouliot, their son François and himself health and contentment and many years of retirement.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): The Epic of Gilgamesh was one of Babylon's most ambitious efforts. Its discussion of man's pursuit of immortality is rather important in the early Babylonian literature, and I select this important passage from that part of the work. It reads as follows:

O Gilgamesh, where are you going?
The life you are seeking you will never find.
When the gods created mankind, death they allotted to man
But life they kept in their own hands.

How true we find this in the Senate! On June 26 yet another of our colleagues passed to the Great Beyond in the person of the Honourable Dr. Fred W. Gershaw. It is difficult adequately to express the profound sense of loss which all honourable senators will feel on his passing. Senator Gershaw was conscientious; he was dedicated to the Senate and to the work of its committees, perhaps particularly, Senator Roebuck, to your committee, the Divorce Committee.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Parliament was a life that he not only loved but ennobled. He was 15 years in the House of Commons; he was 25 years in the Senate.

Dr. Gershaw was a great physician. Technically he was capable, and his practice and the work of his clinic in Medicine Hat testify to that. But, above all, he was a compassionate man; he had feeling for his fellow men. He was, indeed, a true Christian humanist, and we saw this so often here when honourable senators felt the need for a physician's services.

The speeches he made in this chamber were not frequent. They were quiet. They were concise. They were informative. He had an acute awareness of scientific developments, particularly in the field of medicine. He was very much in the van of progress in that field, for the alleviation of human suffering. On numerous occasions he spoke here on the problems of health in the underdeveloped countries—which constitute some two-thirds of the world's population—and he had direct experience of the needs of those countries through his work in the Commonwealth Parliamentary Association.

He came from the west country. He loved it. He was born there. He was trained there. There he developed the integrity and the competence of his professional life. He worked there, and he spoke of its peoples and their problems. He wrote of its history and development in his little book of essays entitled, "The Short Grass Area—Stories of Southern Alberta." He was a great family man, and to mourn him he leaves a wife and four daughters.

Dr. Gershaw had a full life, a good life, because he lived a life of service. Of him it can truly be said, "He loved his neighbour."

I am sure too that on May 30 everyone was more than deeply shocked to learn of the death of Charles Gavan Power. I happened to be in Athens, Greece, in mid-June, returning from a Commonwealth Parliamentary Association meeting in Mauritius. When I was there I wrote a letter to Chubby in which I said that I was writing from the place where Demosthenes had made his reputation as an orator. I joked about the absence of oratory in Greece just then, but the plethora of it that he must be experiencing in Canada during the election period. Little did I know that he would never see that note, because when it was written he was dead and buried.

When we honoured Senator Power on December 20 last, I called him a living legend. How happy we all are that we marked the fiftieth anniversary of his entry into Parliament. At the gathering in Mr. Speaker Smith's chambers his little speech, including his reference to my colleague to my immediate right, Senator Lamontagne, was so delightful! I personally relish the criticism he made of me, which was accurately recorded in the Ottawa *Journal*. I had said that no one but he had sat for 50 years continuously in the Parliament of Canada. How quick he was to say, "As usual, Connolly is wrong. Laurier has the record." In my rooms later I had an opportunity to chide him on his arithmetic. I was tempted to write the Ottawa *Journal* a letter with the heading: "Chubby is still the Champ". For Laurier was elected to Parliament in 1874 and was dead in 1919. He had 45 years of continuous service in Parliament. Chubby had more than fifty!

Honourable senators, I shall not review his career again. Our *Hansard,* on a previous occasion, is adequate in that respect. It is of the man that I would speak. I would speak of his kindness, of his generosity, of the sort of devil-may-care attitude that he displayed so much, of his great wit, and, indeed, of his deep humour. He loved good talk. He loved good companions. He loved good books.

In December I remember quoting some lines from Belloc that he had used in the other place in 1942 when the 25th anniversary of his election to Parliament was observed. Those lines run:

> From quiet homes and first beginnings,
> Out to the undiscovered ends,
> There's nothing worth the wear of winning
> But laughter and the love of friends.

Those lines, I think, epitomize Chubby Power's philosophy of life. He had friends galore—Irish, French, English, and Scotch—all of us.

Of his career, I think he might be content if I paraphrase Belloc in this way:

> When I am dead, I hope it may be said:
> "His sins were scarlet, but his *words* were read."

For words of wisdom in abundance Chubby had—wisdom born of a deep experience of politicians whom he admired and respected, and of voters who loved him.

He has published a book. Some day there should be a biography written of him.

In my mind's eye, I can see his colleagues and friends, those who knew him best, talking of him around the convivial hearth. They will speak of his escapades with Lucien Cannon and many others. They will speak of his election demeanours, and perhaps too of his self-admitted electoral misdemeanours. They will speak of his humanity—at times strong, and at times weak. And, honourable senators, only of a great man can one say such things in a chamber as august as this one. They will speak of his days in the Ministry for Air, and of his work on behalf of the veterans as their Minister.

They will wonder at the enigma of his resignation from the Ministry, when he went out for one reason and Colonel Ralston went out for the opposite. They will marvel at his courage too when he, Lapointe, and Cardin, in the interests of a unified national war effort, took on the Duplessis Government in 1939, which was then at the height of its power, and defeated it. His own career and the life of the federal Government of which he was a member was on the line on that occasion, but courage and determination won through.

His story is indeed a profile in courage, and his life an exercise in the promotion of national unity.

There will be much to say in a biography of Chubby, and much of it will be the good talk he loved.

His body lies tonight in the warm soil of his beloved Quebec. May that soil lie lightly on him. May "his grave the warmer and sweeter be." His warm heart is stilled. May his noble soul, now gathered unto his fathers, rest in perpetual peace.

Hon. Jacques Flynn: Honourable senators, as you have been reminded by Senator John Connolly, it is less than a year ago since I and others rose in this chamber to praise both Senator Power and Senator Vien, who held the record of having been elected to the other place in December, 1917.

Senator Power holds a record that no other Canadian ever held, that of being in Parliament for an uninterrupted period of 50 years. Last summer he passed away after a short illness. Known to all as "Chubby", the late senator had a most engaging personality. A parliamentarian in the truest sense of the word, as was said by Senator Connolly, he has been for a long time a living legend.

Chubby Power had only friends, and even his political foes had great admiration for him. After his return from the First World War, where he was wounded twice, he was elected in 1917 to represent the riding of Quebec South in the House of Commons. His constituents renewed his mandate and their confidence in him ten times, and he represented them in the House of Commons until he was summoned to the Senate in 1955.

During the Second World War, as Minister of Defence with particular responsibility for the Air Force, Senator Power not only built our own Canadian Air Force but was responsible for the success of the Commonwealth Air Training Program.

A traditional politician, he built the now-disappeared riding of Quebec South into one of the strongest Liberal ridings in Quebec. Only once did the Conservatives win it, and I had this unique honour. His talent as a political organizer was equalled only by his talent as a parliamentarian. A die-hard Liberal, he nevertheless on several occasions criticized his party's stand, and everybody recalls that he resigned from Mr. King's Cabinet on the conscription issue.

It might be long before Canadian politics produces another man like Senator Power. At this time I wish again to assure Mrs. Power, her two sons, Francis Gavan and William Pendleton, and her daughter Rosemary, and all the members of the late senator's family, of our deepest regret, and to extend my personal condolences and those of the political group on this side of the chamber.

[*Translation*]

I mentioned earlier that we had marked in December the 50th anniversary of the election to the House of Commons of Senator Vien, who has decided to go into well-deserved retirement. Senator Vien has had a career which can only be compared to that of Senator Power. He is retiring from public life after over 50 years of loyal service to his country for, even during the period when he sat neither in this house nor in the other place, he was a member of the railway commission.

As I have already pointed out, Senator Vien was elected to the House of Commons for the first time in 1917, and represented the riding of Lotbinière until 1925.

Later, having moved his family and his lawyer's practice to Montreal, Senator Vien was elected to the House of Commons for the riding of Outremont, before being appointed to the Senate in 1942. From 1943 to 1945, he was Speaker of the Senate.

Those who knew him here will not soon forget his interventions in our debates, interventions which were always to the point, highly erudite and bearing the imprint of a great wisdom.

A man of eminent distinction, he was a credit to the Senate. I want to assure him that all senators sitting at the far left of the Speaker hold him in great affection and I convey to him on their behalf our best wishes for continued good health and happiness.

Honourable senators, we were surprised to learn during this summer near at end that Senator Jean-François Pouliot had resigned for health reasons.

We were surprised, indeed, because even during the last session, his frequent interventions in our debates had left us the impression that he was in perfect health after the accident he had suffered last year. Fortunately, according to the last news, he is better now and back home at Rivière-du-Loup. We are very pleased about it.

Because of his long and fruitful political career and also of his qualities as a jurist, Senator Pouliot is well known right across the country.

Over a period of 44 years, Senator Pouliot sat continuously in one or the other house and, at the time of his resignation, he had been sitting in this house for 13 years.

Throughout those years, we came to know the numerous qualities of Senator Pouliot and those who knew him well will not soon forget his fighting spirit, his sense of detail and his working capacity. The resignation of Senator Pouliot deprives the house of a member both colourful and very lovable. For my part, because of ties of friendship with my family, I feel a very deep personal loss.

On my own behalf, and on behalf of my colleagues, I wish Senator Pouliot a peaceful retirement, which in any event he well deserves after having dedicated himself to his fellow citizens for such a long period of time. We also take this opportunity to extend our respectful compliments to Mrs. Pouliot.

[*English*]

On March 26 Senator Gershaw resigned from this chamber and less than three months later he passed away. He had a long career as a surgeon, and he doubled that career with a political life which lasted for almost half a century. Senator Gershaw was first elected to the House of Commons in 1925 after an unsuccessful attempt in 1921. He was re-elected in 1926, 1930 and 1940. He was summoned to the Senate in 1945, and served here for 23 years.

Senator Gershaw was a kind and sociable man; he was a very human person. Because of this he had no enemies, only friends. We shall cherish his memory. On behalf of the Opposition I wish to convey our deepest regrets to his wife and their children.

Honourable senators, I have kept for my conclusion my comments on the resignation of Senator Wallace McCutcheon.

Senator McCutcheon resigned to seek a seat in the other place. Our loss would have been a gain for the Commons; but, unhappily, the electors decided otherwise. Consequently, Parliament and Canada are deprived of the services of a most competent man who, during the years he was with us, displayed his unique qualities in the field of administration and finance. We on this side will miss him very much, because he was a highly valued adviser. The Senate also will miss him, and I wish that circumstances—be it inspiration to the Prime Minister, provoked by the Leader of the Government—will allow his re-entry here.

Hon. Senators: Hear, hear.

Hon. Donald Cameron: Honourable senators, I do not wish to trespass on your time for very long, and I shall not be able to pay tribute as eloquently as did Senator Connolly to those members who have resigned or passed to the Great Beyond.

As a lifelong friend and colleague of Senator Gershaw, I could not let the opportunity pass without saying a word about him and the place he occupied in his native Province of Alberta. It is true that he did not have the advantage of being born in Alberta. Having started out in Manitoba, he graduated from the University of Manitoba School of Medicine. At a very young age he moved to the Province of Alberta, where he became that most revered of all people in a pioneer community, the general country practitioner.

In the early days of the horse and buggy, the team and democrat, and at a later date in a Model T Ford, he traversed the plains area of Alberta, tending the sick, making friends everywhere, and above all, taking an interest in the work in the schools. He took a tremendous interest in young people, and right up to the last two or three years he made a practice of visiting all of the schools in the old Medicine Hat constituency.

As was said by Senator Connolly and Senator Flynn, he was elected to the House of Commons in 1925, 1926, 1930 and 1940; and he lost out in 1921 and 1935. In other words, he had a batting average of .666—which in baseball parlance is a pretty good average.

In addition to his many qualities as a humanitarian and as a physician and surgeon, he served his community on the school board and in many other ways. He served as a local historian, writing stories of the pioneers; and he assisted many persons to scholarships and helped them get further education.

In the years when he was in the Senate he always had something to say and he said it well. He had the respect and confidence of all of his colleagues.

I would like to join with the other honourable senators in paying a tribute to a fine Canadian who has left a pioneer country much better for his having been there.

Hon. M. Grattan O'Leary: Honourable senators, I crave your indulgence for just a few moments. I agree entirely with the very moving tributes to those who have departed from us, some in life and some in death. I felt I should say a word this evening about one who, for more than half a century, was my dear and tender friend, Charles Gavan Power.

When Senator Power published his book last year, he sent me a complimentary copy and on the flyleaf of it he wrote this:

> To note the remarkable fact that through fifty years of disagreement about

almost everything, not an angry word ever passed between us—and we Irish, and Quebec Irish at that.

Honourable senators, that is true. I first met Senator Power when, after World War I he returned as a minstrel boy, was elected to Parliament and took his seat in the House of Commons, bursting on the floor of that chamber like a joyous firecracker and compelling the admiration and the affection of all.

In the long stretch of years between then and now he had a distinguished career, about which Senator Connolly spoke so eloquently and so feelingly a few moments ago. I always thought of him as one of the truly great speakers in the Parliament of Canada. He had wit, he had pathos, he had charm and, most of all, he sometimes had that cadence of brooding Celtic melancholy which was reminiscent of the great Timothy Healy, who for long long years was a glory at Westminster.

Chubby Power was human, God knows, but no man that I have known ever condoned more nobly for his humanity. He was not what the world terms a religious man. I know that he had a disdain for what he called "religiosity". I know that he disdained the thoughtless meditation of saccharine piety, but he did have an abiding faith in God—he never believed that our world with all its cloud and pain, was all entanglement, dispersion and chaos, with no divine ordinance whatever.

That is all I would say of Chubby Power. I will close by saying that a very great Canadian, a very great human being, has gone from us, and may God rest his soul.

Hon. George S. White: Honourable senators, we pause for a brief minute and look back across the years as we remember the life of our colleague, Senator Power, and pay tribute to him. Others have spoken of his great work in Parliament, his contribution to this nation, as Minister of National Defence for Air in World War II. Chubby Power and I were old friends in the House of Commons, and I doubt if there has ever been another Minister of the Crown in any government who had as much respect, goodwill and cooperation from all members of the House of Commons, as did our late colleague.

Chubby Power had a distinguished War record, and since the date he entered Parliament in 1917 he was always a great friend and champion of all matters pertaining to the welfare of veterans and their dependants. The veterans of all wars, from coast to coast, have lost one of the best and most loyal friends that ever sat in the Parliament of Canada. This nation has lost a distinguished citizen, one who has made a great contribution in so many ways to the welfare and the progress of this country. This chamber has lost a valued and experienced member, and each of us who knew Chubby has lost a warm personal friend.

I join with others in extending to Mrs. Power and the family my sympathy in their great loss.

Hon. Arthur W. Roebuck: Honourable senators, may I have the privilege of joining with my friend Senator Connolly (Ottawa West) in the tributes that he has paid to Senator Vien, Senator McCutcheon, Senator Pouliot and Senator Power. They were wonderful tributes, expressed with great substance, with imagery and with a marvellous eloquence. It is not for me to attempt to repeat, although I knew all of these honourable senators, but I do feel impelled, and it is a duty, to say something about Dr. Gershaw who was for so many years a valuable member of the committee that I had the honour to head as its chairman.

I speak on behalf of all the members of that committee when I say that it was with a sincere sorrow that we heard of his illness, his resignation and, finally, of his decease. He was a valuable member of that committee, which I submit was doing a public service, not always pleasant but always one of value. He was always industrious, always capable, and always generous. He was deputy chairman on many occasions, and was trusted by us all because of his knowledge of human beings and his knowledge of the law as well as his knowledge as a physician, and his keen sense of justice.

We all miss Dr. Gershaw. I suppose there are few in this chamber, except those of recent appointment, who do not owe him a debt of gratitude for his services towards their health and well being. He was a voluntary physician to most of us when we were assembled here in Ottawa.

I say with deep feeling that we, and all of us on this committee who knew him so well, who associated with him so often, who carried a burden along with him, miss him greatly and we sympathize in a deep and sincere way with his wife and his family, and we send them our condolences.

THE SENATE

INTRODUCTION OF BILLS IN BILINGUAL FORM

Hon. Paul Martin: Honourable senators, with the leave of all members in the chamber, I would ask for agreement to have all bills introduced in the Senate in bilingual form.

Je peux dire que cette proposition a été acceptée à l'autre endroit. I would hope that if this is agreed to, arrangements would be made by the staff to provide hard covers that will adequately serve the new forms which are almost twice the size of the forms of bills formerly introduced in this house.

Hon. Mr. Roebuck: Honourable senators, I am not objecting at all. It is proper that we should have the bills in both languages. However, I do not like the format on which they appear, as it is larger than book form. I hope that when the statute books go on the shelves of the law libraries, of our own private libraries and of the general libraries, they will not be so wide as to be inconvenient.

Hon. Mr. Benidickson: You mean wider?

Hon. Mr. Roebuck: Yes; wider than ordinary books. They will overhang. They will not fit on the shelves like other books. I hope that will not be the case.

Hon. Mr. Martin: We will take that into account.

Hon. Mr. Roebuck: If these books are the size of this new form, they will be very unwieldy on the shelves of the law libraries where they will repose for perhaps many years. Other than those comments, I approve the idea that we have bills laid before us in both languages.

Hon. Mr. Flynn: The Committee on Printing and Stationery, which has not met for several years, could consider honourable Senator Roebuck's suggestion.

Hon. Mr. Fournier (De Lanaudière): Would the Leader of the Government (Hon. Mr. Martin) please tell me why the size of the bill has been changed?

Hon. Mr. Martin: Honourable senators, the form of the bill is larger because it appears in the two languages, with no change in the size or type of print. You will notice on the first and subsequent pages that the left-hand column is English while the right-hand column is French. The form could not be made much smaller, unless the border on the left-hand side were reduced.

Perhaps the suggestion of the Leader of the Opposition (Hon. Mr. Flynn) could be followed. I suppose we would also have to collaborate with the other place, at which time these observations could be noted. In any event, we will see what can be done.

Hon. Mr. Fournier (De Lanaudière): I have a supplementary question. I understand that the Government of the Province of Quebec publishes its bills in the same bilingual form as suggested by the honourable Leader of the Government here. I wonder if the honourable gentleman is in a position to tell me if there is a difference between the size of the bills we intend to publish and those which are now being published in Quebec.

Hon. Mr. Martin: I am not familiar with the arrangement in Quebec. I will have to look into it.

The Hon. the Speaker: Honourable senators, is it agreed that the printing of all bills be in bilingual form?

Hon. Senators: Agreed.

The Hon. the Speaker: It is so ordered.

DOCUMENTS TABLED

Hon. Paul Martin: Honourable senators, I would like to table certain reports of Government departments for the fiscal year ending March 31, 1967, and other documents. As the list is a long one, perhaps its reading could be dispensed with and appear in the records of the house.

Hon. Senators: Agreed.

(The following documents were then tabled)

Report of the Department of Labour for the fiscal year ended March 31, 1967. (English and French texts).

Report of the Canadian National Railways for the year ended December 31, 1967, pursuant to section 40 of the Canadian National Railways Act, chapter 29, Statutes of Canada, 1955. (English and French texts).

Report to Parliament of the Auditors on the Accounts of the Canadian National Railway System for the year ended December 31, 1967, pursuant to section 40 of the Canadian National Railways Act,

chapter 29, Statutes of Canada, 1955. (English and French texts).

Report of the Canadian National Railways Securities Trust for the year ended December 31, 1967, pursuant to section 17 of the Canadian National Railways Capital Revision Act, chapter 311, R.S.C., 1952. (English and French texts).

Capital and Operating Budgets of the Canadian National Railways for the year ending December 31, 1968, pursuant to section 37 of the Canadian National Railways Act, chapter 29, Statutes of Canada, 1955, together with a copy of Order in Council P.C. 1968-748, dated April 17, 1968, approving same. (English text).

Order in Council P.C. 1968-1757, dated September 10, 1968, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase, for export, of subway track insulators by Nacional Financiera, S.A., Mexico City, Mexico, from Spaulding Fibre of Canada, Ltd., Etobicoke, Ontario, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English text).

Report of the Auditor General on the examination of the Accounts and Financial Statements of the National Battlefields Commission for the fiscal year ended March 31, 1968, pursuant to section 12 of An Act respecting the National Battlefields at Quebec, chapter 57, Statutes of Canada, 1907-8, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Capital Budget of the Northern Canada Power Commission for the fiscal year ended March 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with copy of Order in Council P.C. 1968-712, dated April 10, 1968, approving same. (English and French texts).

Capital Budget of the National Battlefields Commission for the fiscal year ending March 31, 1969, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952 (English and French texts), together with copy of Order in Council P.C. 1968-825, dated April 30, 1968, approving same.

Report of the Auditor General on the examination of the Accounts and Financial Statements of the Northern Canada Power Commission and its subsidiary companies for the year ended March 31, 1968, pursuant to section 87 of the Financial Administration Act, chapter 116, R.S.C., 1952. (English text).

Copies of Ordinances, chapters 1 to 4 inclusive, passed by the Council of the Yukon Territory at its 1968 Third Session, pursuant to section 20 of the Yukon Act, chapter 53, Statutes of Canada, 1952-53, together with a copy of Order in Council P.C. 1968-1634, approving same. (English text).

Copies of Ordinances, chapters 1 to 19 inclusive, passed by the Council of the Northwest Territories at its 1968 Second Session, held in Yellowknife, Northwest Territories, June 27 to July 9, 1968, pursuant to section 15 of the Northwest Territories Act, chapter 331, R.S.C., 1952, as amended, together with a copy of Order in Council P.C. 1968-1633, approving same. (English text).

Statement of Apportionment and Adjustments of Seed Grain, Fodder for Animals and Other Relief Indebtedness for the period May 9, 1967 to September 12, 1968, pursuant to section 2 of An Act respecting Certain Debts due the Crown, chapter 51, Statutes of Canada, 1926-27. (English and French texts). *Nil return.*

Statement concerning Refunds under The Refunds (Natural Resources Act, for the period May 9, 1967 to September 12, 1968, pursuant to section 3 of the said Act, Chapter 35, Statutes of Canada, 1932. (English and French texts). *Nil return.*

Report of Canadian Overseas Telecommunication Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to sections 22 and 23(1) of the Canadian Overseas Telecommunication Act, chapter 42, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Copy of Table of Public Ordinances of the Northwest Territories—1956-1968 (Second Session). (English text).

Copies of letters, dated August 14 and 15, 1968, addressed by the three major automotive companies in Canada to the Minister of Industry with reference to the Canada-United States Automotive Products Agreement, together with copy of a Press Release, dated August 30, 1968,

issued by the Department of Industry on the same subject. (English and French texts).

Copies of 2 contracts between the Government of Canada and Municipalities in the Provinces of Alberta and Manitoba for the use or employment of the Royal Canadian Mounted Police, pursuant to section 20 (3) of the Royal Canadian Mounted Police Act, chapter 54, Statutes of Canada, 1959. (English text).

Capital Budget of the Canadian Overseas Telecommunication Corporation for the fiscal year ending March 31, 1969, pursuant to section 80 (2) of the Financial Administration Act, Chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-830, dated April 30, 1968, approving same. (English text).

RULES OF THE SENATE

PROPOSED SPECIAL COMMITTEE—NOTICE OF MOTION

Hon. Paul Martin: Honourable senators, I give notice that on Thursday next, September 19, 1968, I will move:

That a Special Committee of the Senate be appointed to examine the Rules of the Senate, and to recommend to the Senate any changes therein considered by the committee to be either necessary or desirable; and

That the committee have power to call for persons, papers and records, to examine witnesses, to report from time to time, to print such papers and evidence from day to day as may be ordered by the committee and to sit during sittings and adjournments of the Senate.

CENSUS AND STATISTICS

PROPOSED COMMITTEE—NOTICE OF MOTION

Hon. Chesley W. Carter: Honourable senators, I give notice that on Thursday next, September 19, 1968, I will move:

That a Committee of the Senate inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation and recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital and efficient aid to the good government of Canada and the advancement of private business in the public interest.

SCIENCE POLICY

MOTION FOR APPOINTMENT OF COMMITTEE

Hon. Maurice Lamontagne moved, pursuant to notice:

That a Special Committee of the Senate be appointed to consider and report on the science policy of the Federal Government with the object of appraising its priorities, its budget and its efficiency in the light of the experience of other industrialized countries and of the requirements of the new scientific age and, without restricting the generality of the foregoing, to inquire into and report upon the following:

(a) recent trends in research and development expenditures in Canada as compared with those in other industrialized countries;

(b) research and development activities carried out by the Federal Government in the fields of physical, life and human sciences;

(c) federal assistance to research and development activities carried out by individuals, universities, industry and other groups in the three scientific fields mentioned above; and

(d) the broad principles, the long-term financial requirements and the structural organization of a dynamic and efficient science policy for Canada.

That the committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the inquiry;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time, to print such papers and evidence from day to day as may be ordered by the committee, to sit during sittings and adjournments of the Senate, and to adjourn from place to place;

That the papers and evidence received and taken on the subject in the preceding session be referred to the committee; and

That the committee be composed of the Honourable Senators Aird, Argue, Belisle, Bourget, Cameron, Desruisseaux, Grosart, Hayes, Kinnear, Lamontagne, Lang, Leonard, MacKenzie, O'Leary (Carleton), Phillips (Prince), Sullivan, Thompson and Yuzyk.

He said: Honourable senators, since I do not intend to participate in the debate on the

Speech from the Throne, I wish at the outset to address a few words to our new Speaker.

[*Translation*]

In fact, Mr. Speaker, I should like my first word to be a tribute to you. I have had the privilege to know the Speaker for several years and to have been his colleague in the cabinet. Therefore, I have been able to appreciate his great qualities and especially his respect for the individual, his great wisdom and his untiring devotion to his province and his country. I wish him many happy years as he presides over the proceedings of the Canadian Senate.

[*English*]

I intend to say just a few words in favour of this motion with the hope that it will carry as soon as possible. Its purpose is merely to reconstitute the committee on Science Policy which was set up by this chamber on November 8, 1967. Moreover, if this committee is to continue its work efficiently, it ought to meet as soon as possible to prepare its schedule of hearings for this fall.

It is generally recognized that the former committee, during the few months of its existence, did useful work. We heard more than 20 individuals from Canada and abroad with a great reputation in their respective fields of activity who came to speak to us on such varied topics as science and society, Canada's scientific effort in the light of the experience of other countries and the broad objectives of science policy. I want, on behalf of all the members of that committee, to express my gratitude to all those great scientists and administrators who so readily accepted to give us the benefit of their wisdom.

The committee has also succeeded in providing for the first time in our country a public forum for the discussion of science policy. The public demand for our proceedings has been very high indeed. Moreover, we have been receiving numerous requests from organizations and individuals asking to be heard and make representations. If we have succeeded in this role, it is largely due to the press and I want to express the committee's gratitude to the reporters who have covered its proceedings so faithfully.

Moreover, the committee has already had a useful impact within the public service itself. I know that as a result of our activities the interest in research has been revived in several departments, and reviews of scientific programs, which were long overdue, are now being conducted by federal research agencies.

For the first time in our history—and again I think this is due to the activities of that committee—science policy became a political issue during the last electoral campaign. The leader of the Conservative party had very interesting proposals to make on this issue when he said that our scientific effort should be intensified and better integrated. And I must say that when he made these proposals I was about to vote Conservative. But just a few days later the Liberal party issued the following statement on science and technology which did not receive wide publicity at the time and I think it is worth our while to put it on the record now:

> Innovation and research are major keys to Canada's economic growth. In this era of rapid technological change, our industrial development and the evolution of our society will depend increasingly on our scientific effort. The Government has developed important programmes to assist industrial research and development, but much remains to be done. Canada spends less on research and development than many other nations, especially in the private sector. Our productivity performance needs to be strongly improved.
>
> To achieve these goals, your new Liberal Government will:
>
> Give vigorous support to science in both pure and applied forms as a basis of modern economic development. In pursuit of this objective, your new Liberal Government will give careful study and attention to the forthcoming Report of the Senate Committee on Science Policy. In its study of the Senate report, we shall give careful attention to the relationship between public and private research and to the development and retention in Canada of highly trained scientists and engineers.
>
> Emphasize applied research to problems of environment, human resources, housing, natural resource development, northern development, water pollution, space telecommunications, transportation, transmission of energy, and nuclear energy. By 1975, our goal is that Canadians will spend about $2 billion a year on research and development, both private and public. A greater percentage of government funds will be directed to private, applied research.

Honourable senators, for all these reasons it is highly desirable to adopt this motion as soon as possible. I would expect that this would enable the committee to hear the 30-odd research agencies of the federal Government this fall and to begin receiving representations from provincial research bodies and the private sector early in January. Finally, I would hope that the committee will be in a position to present its report before the end of the present session.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR TERMINATION OF DEBATE

Hon. Paul Martin moved, pursuant to notice:

> That the proceedings on the order of the day for resuming the debate on the motion for an Address in reply to His Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

Hon. Jacques Flynn: Without going into detail, would the honourable Leader of the Government indicate the general reasons for this motion?

Hon. Mr. Martin: The purpose of the motion which I have put in my name, following discussions and soundings with many honourable senators, was to bring some order in our deliberations. Undoubtedly, there were good reasons in the past for allowing the debate to run indefinitely; but under our procedures, whatever advantage there might have been can now be employed by any honourable senator in raising a matter which he would have raised in the Address in reply to the Speech from the Throne. It seems to me that this is an orderly way in which to proceed.

I hope that I do not transgress the traditions of this house when I say that there were some aspects of this matter which I did discuss with the honourable Leader of the Opposition, taking advantage of his richer experience in these matters; and it was following such discussions that this motion was made.

Hon. Mr. Flynn: Honourable senators, since the Leader of the Government has referred to the discussion we had about this matter, I will say that I have already indicated to him that we would not object to this motion. We are willing to co-operate with him.

As I indicated before, I am not too sure that this decision will really mean anything practical, but as a gesture of full co-operation—because we want the Leader of the Government to realize that we are willing to do whatever may appear to be useful to facilitate the progress of the work of this chamber—we are not objecting. We will see what the experience will be.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Friday, September 13, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Phillips (Rigaud), seconded by Hon. Mr. Eudes, for an address in reply thereto.

Hon. Jacques Flynn: Honourable senators, because of the results of the general election held in June, and because the present Prime Minister has taken over from Mr. Pearson, we are told that this 28th Parliament is a "New Look" Parliament, and commentators have suggested that the Speech from the Throne sets the pattern for the "just society" of which we have heard so frequently, if not specifically, during the election campaign. As I look around this chamber, I am willing to agree that to some extent there is a new look in the Senate. Some important changes are evident.

[*Translation*]

First of all, there is your presence in the Speaker's chair, honourable Senator Deschatelets. In my name and on behalf of those who sit on your far left, I offer you our warm congratulations, the assurance of our co-operation and our confidence in your discharging your new office.

Having known you more than twenty-five years ago when we were both lawyers for the Wartime Prices and Trade Board, having met you again in the House of Commons in 1958, and having observed your fine career up to the office of Minister of Public Works, before coming here, I know advisedly that the Government's decision was a wise one that was well received in all circles, especially here in the Senate. I add that you are wonderfully well assisted by Mrs. Deschatelets.

[*English*]

The present Speaker has succeeded Senator Sydney Smith who, in the best tradition of the Speakers of the Senate, has honoured this exalted position. We wish Senator Smith to know that we are very grateful for the manner in which he discharged his responsibilities, and in this we want to associate Mrs. Smith.

Another change in the physionomy of this chamber is the new Leader of the Government. We are unanimous in applauding the summoning to the Senate of the Honourable Paul Martin, and his appointment as Leader of the Government.

Hon. Senators: Hear, hear.

[*Translation*]

The new leader was the senior member of the House of Commons. One of the most brilliant parliamentarians of our time, he had an almost unparalleled career. Elected ten times in the riding of Essex East, he was in turn Secretary of State, Minister of National Health and Welfare and Secretary of State for External Affairs. Only one honour was denied him, which he deserved by virtue of his great experience and his talents. Circumstances were against him. Politics is often a cruel game. Very possibly, had there been more small "c" conservatives at the convention last April, he would have been elected. We in the Senate console ourselves by thinking that the House of Commons' loss is our gain. We assure him of our loyal cooperation in the discharge of his duties.

[*English*]

While congratulating the new Government Leader, I cannot forget that Senator John J. Connolly, his predecessor, was a most efficient, charming and popular leader.

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: We had only one criticism: he worked too hard, and we were always afraid that he would endanger his health. On behalf of all members of this group, I offer to Senator Connolly our warm thanks for the consideration he always showed us, and I add our sincere wishes for his continued good health.

Since the dissolution of Parliament last April, two of our colleagues have died and three others have resigned. We have paid our tributes to these colleagues.

On the first day of this session we greeted six new senators. On behalf of our group, I officially welcome them, and wish them a fruitful and happy career in the Senate.

Two of them, namely, Senator Lazarus Phillips and Senator Eudes, were charged with the task of moving and seconding the motion for an Address in reply to the Speech from the Throne. Both did exceptionally well. Their speeches in substance and in form, and in their delivery, were excellent. Of course, Senator Phillips is a man of wide experience. His reputation as a lawyer has spread all across Canada. His maiden speech was equal to our expectations and we look forward to his frequent contributions to our debates.

[*Translation*]

As regards Senator Eudes, another colleague of the bar, with whom I had the pleasure of serving in the House of Commons from 1958 to 1962, he is today, as he was then, an excellent parliamentarian and a very good speaker. I imagine that he will also give us the pleasure of hearing him frequently.

[*English*]

Honourable senators, if the changes in the personnel of this chamber to which I have alluded give the Senate a somewhat new look, can we find in the Speech from the Throne a fundamental newness in the Government's policy and philosophy?

I know that one should not expect the Speech from the Throne to spell out in every detail the legislation which the Government intends to submit to Parliament. However, I suggest that one is usually able to read between the lines whether the Government has in mind something really precise, but I fail to find anything behind the text read by His Excellency. The only novel aspect is the use, as a leitmotiv, of the concept or the words "just society". Of course, one recalls that this was the slogan of the Prime Minister's very personal and exclusive campaign.

If I try to visualize this "just society" with the throne speech as a background, I cannot help but conclude that this concept is now even less precise and more distant than it sounded last June. To support this conclusion, let me quote from the Speech from the Throne:

> A great deal has been accomplished in recent years to make the Canadian society more just in terms of income distribution and security against the vicissitudes of life. Pensions for the aged, provision for the sick and for the needy have been made more effective by legislation passed in recent Parliaments and by action of the provinces. Notwithstanding such measures, poverty continues to exist in Canada. My Government recognizes that, but it also believes that it

would be deluding and cruel to pretend that there is a simple, all-encompassing or instantaneously effective remedy. Poverty can be dealt with successfully and permanently only by continued and determined action in a variety of ways by all governments.

If these words mean any new and startling departure, this meaning is well hidden. Yet, I am sure that the Canadian people during the last election campaign believed that a just society was a structure that would start taking a concrete form as soon as a new Parliament, dominated by the Liberal party, would assemble. Canadians now learn that they will have to wait some years before it takes shape, if it ever does.

We are warned that the first task of Parliament will be to deal with the huge pile of bills which were not disposed of by the previous Parliament. It seems quite obvious that this will require most of this first session of the Twenty-Eighth Parliament and, consequently, it is hard to imagine that we will acquire an immediate "new look," and that we will be able to start building this "just society" before several months.

Let us now look at some other aspects of the Speech, and first, at what it says about the Constitution. Maybe in this field we can find something really new. I quote again from the Speech:

> Constitutional reform remains the best long-term guarantee of Canadian unity and my ministers are directing officials in discussions with the Provinces which are proceeding well and will, through a series of intergovernmental conferences, lead to proposals that Parliament will wish to consider.

I submit that nothing in these words constitutes a change in the policy adopted by the Pearson administration at the last federal-provincial conference of February 1968. What is interesting, however, is that at that conference, and during the campaign, the present Prime Minister clearly gave the impression that he was a partisan of the status quo, that he would only reluctantly consider any reform of our Constitution, and that his attitude in this differed substantially from that of the Progressive Conservative party.

Possibly we can find in the speech which the Prime Minister made before the Canadian Bar Association in Vancouver on September 3 a more specific approach to constitutional reform than that in the Speech from the Throne. I quote from that speech as follows:

> As I see it, the solution for such problems—

He is referring to the differences between the federal and some, if not all, provincial governments.

> —is not to transfer power to the provinces with the consequent erosion of Canada's strength and unity, but to improve the federal Government. Similarly, the solution for any inadequacies in a provincial government is not necessarily to invite the federal Government to assume responsibility; it may be for the citizens of the province to improve their provincial government. Having said that, I must reiterate that many changes are necessary, and many are possible. Those who deny this endanger the unity of Canada as much as those who preach its destruction.

Of course, one of the changes that the Government is suggesting concerns the inclusion of the right for the use of the two official languages for the purposes of assuring to French-speaking Canadians living outside Quebec the same practical rights that are provided for the English-speaking Quebeckers. In this connection, a bill will be introduced concerning the official languages in the legislative, executive, and judicial branches of the federal Government, pending a formal amendment to the British North America Act. This is a most important problem. Yet, it is not a new one and the solution which is now proposed goes back several years, or at least to the publication of the first report of the B and B Commission.

May I recall to honourable senators that last year I suggested exactly that kind of an amendment to the British North America Act in a speech which I made in this chamber on June 7, 1967. I want to add also that on the whole it becomes very evident that the respective positions of the Liberal and Progressive Conservative parties, and I would say also the N.D.P., are not as far apart as was suggested in many places during the last election campaign. At least, the policy is the same as far as the problems of the two official languages are concerned.

At the Toronto convention of the Progressive Conservative Party in September 1967, a formal resolution was adopted to the effect that the rights of the French-speaking Canadians outside Quebec should not be different from those enjoyed by English-speaking

Canadians in the Province of Quebec. Furthermore, it was, and it is, the policy of the Progressive Conservative Party that we should proceed with an orderly review of the Constitution in order to correct omissions and bring about clarifications which will reduce the causes of tension between our two levels of government.

The only new aspect that I am prepared to recognize as far as the present Government is concerned is a more conciliatory attitude of the Prime Minister, and I only hope for the sake of progress in this vital field of national unity that I am correct in believing that the Prime Minister has decided to adopt a less rigid stand and will be prepared to listen to all reasonable viewpoints and proposals.

The Speech from the Throne does not contain any reference to the reform of the Senate. From statements made by the Prime Minister in recent weeks it would appear that he has in mind some proposals which he intends to make to the forthcoming federal-provincial conference. In his speech in Vancouver he put the question: "Could the Senate, by changes in its composition, method of selection, or jurisdiction, be made a more effective protector of regional or linguistic interests?"

Constitutional reform of the Senate is of course primarily the responsibility of the Government and we shall look forward with great interest to any announcement which may eventually be made. On the other hand, operational reform is primarily the responsibility of the Senate itself.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Flynn: The Leader of the Government in the Senate (Hon. Mr. Martin) has indicated that he may have some suggestions concerning our procedure, and we are willing to discuss these at any time.

The principal solution, however, for increasing the role of our chamber in the legislative process is to have more legislation initiated here. This may be difficult, unless an amendment is made to the B.N.A. Act which would authorize certain so-called money bills—and I am thinking of practically all bills except taxation and appropriation bills —introduced in this chamber, especially when the legislation has not too much political or, if you prefer it, electoral impact. We are better equipped to deal with technically difficult legislation than is the other place.

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: We could save the other place a lot of time by dealing first with this kind of legislation.

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: I would also hope, now that the Government can count on a majority in the Commons, that the huge majority it enjoys here will be less timid in criticizing and even amending the legislation coming here. In other words, the official Opposition in this chamber, in view of its small number, should be able to count on many who sit opposite to help in the task of endeavouring at all times to improve the bills which we will be invited to consider and adopt.

Similarly, the part of the Throne Speech dealing with international affairs does not indicate any new departure. It suggests the mere continuation of the policies of the Pearson administration. We agree that we should continue with the review of our external and defence policies, principally with Canada's contribution to NATO, relations with Peking, with Latin America and with Europe, and in matters of assistance to underdeveloped areas. However, this review should not proceed in secret and Parliament, especially our own Committee on External Affairs, should be put to task on it.

One of the principal elements of a just society is, of course, a prosperous economy and a fair distribution of its proceeds. I have quoted previously from the speech to indicate that, while the Government is concerned with fighting poverty, it does not appear to be clear as to the concrete steps it will take to achieve its objective. Poverty is something relative, as has been shown by the last report of the Economic Council. It varies from time to time and from region to region. Some years ago the Council concluded that any bachelor earning less than $1,500 a year should be considered a poor man; now it says that the same person is poor if he does not have an annual income of $2,000. One could also say that you may be a poor man with an income of $3,000 a year in a large city like Montreal or Toronto, while living a decent life with half that amount in some rural communities.

What is clear in the present economic context is that the continuous rise in the cost of living and inflation at their present rhythm will not permit a successful fight against poverty. Relative stability of prices and wages and a growing economy are essential if we are to achieve a truly just society, otherwise wages will continue in the pursuit of the

increasing cost of living, we will have to continue to increase social assistance and, consequently, taxes, and very likely these increases will always be ahead of the growth of our productivity. Drastic measures will eventually have to be taken if the present trends continue. I suggest that in recent years we have been caught in a vicious circle due to our inability to maintain a balance between prices and wages on the one hand and our productivity on the other.

During the last session we enacted legislation to create a Department of Consumer and Corporate Affairs. We are now told that we will be asked to consider proposals for a systematic and continuous review of prices and costs in our economy. I suggest that any such review will not be sufficient in itself, because although we have known up to now the trends of prices and costs, it has not prevented unbridled inflation nor a constant increase in the cost of living.

Therefore, the Throne Speech is at best a dissertation about and a recitation of the problems confronting Canadians and the general direction which the Government intends to take for correcting them. Nothing definite is revealed of the Government's intentions and we will have to wait for the legislation to judge whether a really bold policy has been designed for the most important fields of the federal Government's responsibilities. We hope that this legislation, which will eventually be unfolded after we have dealt with the backlog of bills left in abeyance by the dissolution, will be more meaningful than the Throne Speech. Eventually the illusions and expectations of the last election campaign will fade away and will have to be replaced, either by concrete action and results on the part of the Government, or by deception, in which case the Government realizes what its fate will be.

[*Translation*]

Honourable senators, I will summarize the impression I got from the Speech from the Throne by stating that it fails to suggest anything which gives Parliament a really new look or which ensures a spectacular start towards the goal of a just society. In fact, the text is merely a rehash of the legacy which the Trudeau administration inherited from the Pearson administration. True to the Liberal tradition which feels that it is very important to appear at least to be doing what one is unable to do, on old themes new words have been put.

We will therefore wait for the legislation before expressing a more definite opinion. Who knows but that the Government might remedy the vagueness of the Speech from the Throne with bold and realistic legislation.

Before resuming my seat, I want once again to assure the Government Leader of the full co-operation of the Opposition, the fact that our small number prevents us from giving serious worries to the Government vouching for our impartiality.

[*English*]

On motion of Hon. Mr. Martin, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, September 18, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

RULES OF THE SENATE

AMENDMENT

Hon. A. Hamilton McDonald, with leave of the Senate, moved:

> That the Rules of the Senate be amended by striking out clause 14 of Rule 78 and substituting therefor the following:
>
> 14. The Committee on Public Service Administration, composed of twenty-five senators, seven of whom shall constitute a quorum.

He said: Honourable senators, perhaps a word of explanation is necessary. If you will look in the book containing the members of the standing committees, you will note on page 19 a reference to the Civil Service Administration. I am seeking to change the rule by simply striking out the word "civil" and substituting the word "public".

Hon. Mr. Roebuck: What effect does that have?

Hon. Mr. McDonald: The only effect is that the "Civil Service Administration" will now be known as "Public Service Administration".

Motion agreed to.

DIVORCE COMMITTEE

FIRST REPORT OF COMMITTEE OF SELECTION ADOPTED

Hon. Arthur L. Beaubien presented the first report of the Committee of Selection:

> The Committee of Selection, appointed to nominate senators to serve on the several standing committees during the present session, makes its first report, as follows:
>
> Your committee has the honour to submit herewith the list of senators nominated by it to serve on the Standing Committee on Divorce, namely:
>
> The Honourable Senators Blois, Burchill, Cameron, Croll, Farris, Fergusson, *Flynn, Gladstone, Haig, Hollett, Inman, Irvine, Isnor, Kinley, *Martin, Roebuck and Smith (Queens-Shelburne). (15)
>
> *Ex officio members.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Beaubien (Provencher): With leave, I move that the report be adopted now.

Hon. Arthur W. Roebuck: Honourable senators, may I speak for a moment on this motion? The Divorce Committee is somewhat different from other committees in that we accomplished a very large amount of work during the recess and it is now awaiting attention. May I give some fairly up-to-date figures?

Honourable senators will be interested to know that during 1967 we actually tried and granted 913 divorces. During 1968, prior to our adjournment, the committee dealt with and passed 196 cases. As honourable senators are aware, the commissioners hold court even when the house is not sitting and hear cases in large numbers. They took only a short summer recess and otherwise sat continuously. Their reports were sent to me as former chairman—technically, I am not chairman but I continue to do the work of chairman.

During the period while we have been in recess, I have read and approved 335 cases. Some reports required consultation between myself and the commissioners because if I find anything worthy of comment, the report is sent back for further consideration or for some alteration in its form or correction as may be necessary. However, we get along.

As I have said, the grand total of cases I have read during the recess is 335, making at present 531 cases ready for the committee's consideration. I hope that very soon indeed resolutions in connection with these cases will be presented to this house where, as you know, I move their adoption.

It is, therefore, important that we constitute the committee at once and for that reason I ask that this resolution moved by Senator McDonald be proceeded with now. If honourable senators agree to this request, the committee will meet tomorrow morning and proceed with the difficult work awaiting them.

I am sure that the question will arise in almost everyone's mind as to the situation

from now on. Honourable senators will recall that the bill which we passed last session, and which is now law and is in operation in the courts, provided that those cases which were filed before the act became effective on the second day of July last, shall be dealt with under the former act. So, to clean up the docket, we still have a considerable number of cases awaiting our attention.

Going back only to 1963, and not into ancient history, our docket contains 200 cases ready for hearing. In addition to that, there are another 100 in which some detail is still to be completed—such as the payment of the fee, the finishing of the necessary advertising, or some such matter of that nature which would prevent the case from being listed for immediate hearing. That would make some 300 cases pending on our docket. In addition to that, there are 70 cases in which the documentation is not yet completed. Lack of documentation is serious, and that is why I have separated these cases into two divisions.

So, there are 370 cases on our docket which we must complete before we shall have finished the work of the last one hundred years. Of those 370 cases approximately 60 are contested.

How long it will take us to deal with these cases is problematical. Already a number of cases have been withdrawn. I noticed that six were withdrawn the day before yesterday, and I will tell you one reason why. In the past, when we granted a divorce on the application of the wife, she was "out" so far as alimony was concerned in the Province of Quebec. According to Quebec law, her right to maintenance terminated completely on divorce, whether she was the respondent or the petitioner. But that is not so under the new act, which applies to all provinces and which gives the courts trying the claim for dissolution of the marriage the power to grant applications for alimony, the custody of children, and so forth. Accordingly, one might expect that when the petitioner is a woman she will consider very carefully whether to proceed under the former act or whether to apply to the courts under the recent act, and should she decide on the latter course she will probably withdraw the petition now before us.

Thus, it is a little difficult to forecast just how long it will take us to complete the docket as it now stands. One of the Commissioners said recently that it would take us until Christmas. A careful gauging of the situation would suggest to me that we may be dealing with some cases in January or February of the coming year. But whether it is Christmas or February is not important. We are very rapidly approaching the conclusion of the Senate's work in this regard, provision having been made for divorce courts in the Provinces of Quebec and Newfoundland.

So, honourable senators, in order that we may proceed with the necessary preparation for the moving of resolutions in some 500 cases, I would suggest that this motion be dealt with now.

Hon. Jacques Flynn: Honourable senators, I agree with what has been said by Senator Roebuck as to the matter of urgency, and it is my opinion that this motion should be agreed to immediately, However, I would ask the honourable senator to indicate whether I am right in thinking that in principle petitions for divorce can still be presented to the Senate, notwithstanding the coming into force of the Divorce Act on July 2 last. Would he also tell us whether any petitions have been presented to the Senate since the date of the coming into force of the Divorce Act?

Hon. Mr. Roebuck: I think not. Honourable senators will understand that even under the Dissolution and Annulment of Marriages Act, passed in 1963, the right to appeal to the Senate by way of petition for a bill of divorce remained. That has never been changed. The old rule that Parliament is endowed with the power and authority to grant a divorce is as intact today as it was a hundred years ago. I think we should realize that it will be necessary for us to keep the Standing Committee on Divorce in existence for many years to come, perhaps for always. Parliament can never say to the public, "You are precluded from petitioning us for relief of any kind, divorce included."

The old rules that were left standing in 1963, when we adopted the then new law, are still in force and will continue to be necessary for years to come. We must always have a Standing Committee on Divorce to which petitions for divorce may be referred from time to time, although it is likely there will be very few. Only once since 1963 has any appeal been taken against a decision of the commissioners, and that appeal was disposed of by a special committee appointed for the purpose.

Report adopted.

STANDING COMMITTEES

SECOND REPORT OF COMMITTEE OF SELECTION PRESENTED

Hon. Arthur L. Beaubien presented the second report of the Committee of Selection:

> The Committee of Selection, appointed to nominate senators to serve on the several standing committees for the present session, makes its second report as follows—

Hon. Senators: Dispense.

(*For the text of report see Appendix pp. 55-56.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Beaubien (Provencher) moved that the report be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

DIVORCE COMMITTEE

APPOINTMENT

Hon. A. Hamilton McDonald, with leave of the Senate, moved:

> That the senators mentioned in the first report of the Committee of Selection as having been chosen to serve on the Standing Committee on Divorce during the present session, be and they are hereby appointed to form part of and constitute the said committee to inquire into and report upon such matters as may be referred to them from time to time.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes, for an address in reply thereto.

Hon. Paul Martin: Honourable senators, in rising for the first time to take part in a debate in the Senate, I wish to offer to His Honour the Speaker my warmest congratulations. The office of Speaker is an important one, and in his hands the duties of presiding officer in the Senate will be fairly and wisely discharged.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Mr. Martin: Honourable senators, may I be allowed to offer my warmest congratulations to our Speaker, the Honourable Senator Deschatelets and to extend to him our best wishes.

I had the privilege to sit with him in the House of Commons and in the cabinet, where I could appreciate his competence, his fair-mindedness and his loyalty towards his colleagues, his party and his country. He is one of those humble, sincere and devoted men who have no other ambition but to serve.

[*English*]

Honourable senators, it is not always easy, as many of us know, to speak for the first time in either of the two Houses of Parliament. Senator Phillips (Rigaud), who moved the Address, and Senator Eudes, who seconded it, opened our debate with valuable contributions. The professional and business experience of Senator Phillips (Rigaud) and his well-known interest in many developments of our time will make him a valuable member of the Senate.

[*Translation*]

As to my honourable friend, Senator Eudes, may I say that I sat with him in the House of Commons for over a quarter of a century, and I am pleased to rejoin him here. I am quite confident that in this house he will have the opportunity to make full use of his many talents, which are much more outstanding than his unassuming ways would lead us to believe.

[*English*]

Now, honourable senators, the leadership of the Government in the Senate was turned over to me at an important period in the public affairs of our country. I follow in the footsteps of certain distinguished Canadians, whose names have added lustre to our public life. I follow in particular my friend Senator John Connolly, whose contributions in this role have been notable, and I know are greatly appreciated by all honourable senators.

Hon. Senators: Hear, hear.

Hon. Mr. Martin: Over the past five years each and every one in this house, more directly than I, has had an opportunity of knowing how real his contribution has been

to the deliberations and to the functioning of the Senate. His achievements in that regard, while known indirectly, are fully appreciated by me. As his colleague in the Government of Canada since 1963, I learned to appreciate his capacity and experience at the cabinet table—information that I had every right to anticipate, because of years of friendship during our common participation in the public life of our country.

I thank the Leader of the Opposition (Hon. Mr. Flynn) very much for the generous way in which he formally welcomed me to this house and to the leadership of the Government in this chamber, in his opening address yesterday evening in the debate on the Speech from the Throne. I thank him for the collaboration he gave me before this Parliament was convened, when on two occasions I discussed with him matters which arose out of our common responsibilities.

I have known the Leader of the Opposition for a long time. I served with him in the other place and while we did not always agree on political matters, there were more occasions for agreement than disagreement and I am honoured to find myself opposite him today.

Hon. Senators: Hear, hear.

Hon. Mr. Martin: Honourable senators, in his speech yesterday afternoon the honourable Leader of the Opposition referred to the recent general election. He will not misunderstand me if I say I thought that would be the last thing he would wish to do. However, that was his choice. I can only say that I have no intention of going back to the last general election. From the point of view of the Government, whose spokesman I am in this house, that election seems to have had very satisfactory results.

Hon. Mr. Choquette: Practically.

Hon. Mr. Martin: In any event, we have a majority government in Canada now and, regardless of our position in this house, to the right or left of Mr. Speaker—and taking into account those members of the Government party sitting on Mr. Speaker's left—I think it is well for responsible government that in the house more directly responsible to the electorate there should be a government which can command a majority.

Honourable senators, the only other comment I wish to make about what the honourable Leader of the Opposition had to say yesterday evening about the Speech from the Throne—in terms of what I might regard as perfectly legitimate and understandable political criticism—is in regard to belittling by the Leader of the Opposition of the concept of the just society by the Government of the day and by its Prime Minister in particular.

I can only say that the concept of the just society reflects the writings over a long time of the Prime Minister and I believe that, regardless of our political affiliation, we will recognize that, in the heavy responsibilities which he now assumes, his main desire is to serve the interests of this country, a desire that we all share in common with him. I am sure that he will prove to be a unique, important and great figure in the public life of Canada.

Honourable senators, I did not come into this place, into this historic chamber, to preside over the liquidation of the Senate.

Hon. Senators: Hear, hear.

Hon. Mr. Martin: Rather, I came here to continue, in co-operation with senators on all sides, to work for the national good. My aim—and this I should state at the beginning—is to contribute as best I can to the activity and the strength of this chamber, which I recognize, as well as to the Government of Canada.

I recall, with Tocqueville:

> It is both necessary and desirable that the government of a democratic people should be active and powerful; and our object should not be to render it weak or indolent, but solely to prevent it from abusing its aptitude and strength.

Honourable senators, perhaps you will permit me to echo the words of a former Leader of the Government here who was, at one time, the Queen's first Minister in Canada. The honourable Mr. Meighen wrote:

> The Senate is worthless if it becomes merely another Commons, divided upon party lines, and indulging in party debates such as are familiar in the Lower Chamber, session after session. If the Senate ever permits itself to fulfil that function and that alone in the scheme of Confederation, then the sooner it is abolished the better. This practice is not to be deprecated in the House of Commons. If

> we are going to have a democracy, the practice must continue. There have to be parties and party manoeuvres; there have to be conflicts and controversies innumerable in variety and wearisome in length. The great scheme of bringing sections together, letting each see the viewpoint of the other, has to be worked out in the representative Chamber. Sometimes we are too impatient and critical of governments in allowing what seems inordinate time for discussion of public business. That discussion is good, but it is not the function of the Senate. Members of the Second Chamber must get away, lift their minds far from these hard-drawn lines of party, or they cannot serve their country. They have to make up their minds to give every government fair play and not to stand in the way of legislation unless they are convinced it must be defeated on its merits, and that the consequences of failure to defeat it would be serious; nor to stand stubbornly in the path of any Government proposal unless it is brought there by largess in this or some other part of the Dominion rather than the true interests of the nation.

With those words—occupying the same role as he occupied—I find myself, in this first foray in our discussions, in full agreement.

Honourable senators, I repeat, I did not agree to come here in order to preside over the liquidation of this chamber. The criticisms against the Senate must be seen in the light of the criticisms of Parliament itself, not only in Canada but throughout those countries where Parliaments like ours exist.

In spite of changes in its rules, no Parliament, for instance, has come in for more criticism than the contemporary House of Commons in the United Kingdom.

As Professor E. D. Briggs, of the University of Windsor, has recently written:

> The (Canadian) Senate has long been badly misrepresented by both the general public and by many political scientists.

No one could have listened today to the honourable Senator Roebuck, giving the conclusions of his work this summer, bearing in mind his labours over the years as Chairman of the Divorce Committee, without recognizing the work accomplished in the Senate and, in this instance, the very distinguished achievements of the senator himself.

Hon. Senators: Hear, hear.

Hon. Mr. Martin: Of course, that is but one small aspect of the work which has been done in this chamber.

I am grateful to Professor Kunz, of McGill University, who sets the record straight with his penetrating analysis of the Senate. His book was published in 1963 and is, as you know, an excellent portrayal of the purposes of the Senate, what it has achieved and what it proposes to do. He clearly establishes the Senate's usefulness and its constructive character; but he does not overlook its disabilities and weaknesses—nor should we. He writes:

> Less fettered by the rules of debate and removed from the actual arena of party strife, the Senate has been successful in effecting useful modifications in public legislation under Conservative and Liberal governments alike, for the purpose of introducing technical improvements and of checking executive extravagance; in taking a first look at complex or non-controversial measures and, since 1935, at all private bills; in holding valuable debates on matters of broad national policy and of administration in narrow fields which directly or indirectly, have influenced government policies, intentions, and attitudes; in making use, to a greater and greater extent of its standing and special committee system in the triple field of legislation, scrutiny, and inquiry, with the additional general advantages of bringing affected interests into direct contact with representatives of the administration, and of obliging governments to explain their policies and to reply to serious and constructive criticisms and suggestions; and in representing the territorial and other minorities, by intervening on their behalf and by providing (through the operation of the appointing system) a socially recognized means of acknowledging their relative importance in the federal state. Part of this is work such as the House of Commons also carries out. But the House of Commons does not have unlimited time and, being the focal point of the political power struggle on the national level, is under the domination of the great rival party machines. As a result, even if some of these functions are performed by both houses, they do not do it in quite the same way, and there are some aspects of the work which are better done the Senate's way than the Common's way.

I would invite the critics of the Senate to read these words, because in spite of the criticisms and in spite of the fact that they do not do the work in quite the same way, "there are some aspects of the work which are better done the Senate's way than the Commons' way." He continues:

> But all through the years the Senate has exercised its considerable legal powers—

And they are plenary except in the matter of money bills.

> —in a responsible manner, using persuasion rather than obstruction to defend its stand vis-à-vis the House of Commons. In matters of economic and social policy it has wisely taken the lead of the elected house and for the better part of the period under review it has accepted, indeed supported, the policies of successive governments in that regard. The Senate has never, during the last three decades at any rate, posed as an "Upper House" in terms of traditional class values and, unlike some of its continental counterparts, membership of the house has not been associated with the notions of social superiority. An impartial study of the record of the Senate during the years 1925 to 1963 amply confirms the argument that the Upper House is a useful complement to the Lower.

Honourable senators, this is a responsible analysis by one who is not a member of this house, who is an authority on the institution of parliamentary government and who has seen it in operation in many countries. It is an analysis which the critics of this chamber ought to note. Having said that, I stress that we nevertheless should not be satisfied to rest on this statement as a complete apologia for our existence. It does not entitle us to be complacent or to say that the Senate ought to be left as it is.

Apart from improvements through constitutional revision, it seems to me that we have, ourselves, the opportunity of making the desired improvements; that we do not need to wait for others to make them; that we do not need to wait for work in the other place; that we do not necessarily have to wait for the Government itself. Our usefulness could, perhaps, be increased not only in the fields of legislation but in the area, particularly, of scrutiny and inquiry. Here is what the distinguished Professor Kunz of McGill University concludes:

> The most obvious ones are connected with a continued expansion of the Senate's committee work in the fields of legislation, scrutiny, and inquiry, but particularly in those of scrutiny and inquiry. Greatly helped by the flexibility of its timetable and its ruling spirit of impartiality, the Senate could develop some effective and important means of overseeing certain aspects of financial administration, especially in the sphere of Crown corporations, and checking certain executive practices, especially in the sphere of delegated legislation. The Senate could also increase the number of special inquiries conducted annually, and enlarge their scope and variety. All this requires very little external stimulus and can be achieved through imaginative leadership and, perhaps, a few changes in internal organization. Indeed, the best practical way of "reforming" the Senate seems to lie in further exploiting the potentialities inherent in the structure of the institution itself.

And I noted with satisfaction this was the point of view which the Leader of the Opposition (Hon. Mr. Flynn) took last night.

Addressing myself to our opportunities, I suppose it would be natural that, coming as I do from a department of the Government recently concerned with Canadian foreign policy, I should reflect my immediate responsibilities in that area, and what have been during the whole of my public life a deep and abiding interest.

Today, more than ever before in our history and in the history of the world, governments and peoples are really concerned with international policies. This period of interdependence in which we live gives to foreign affairs a rank of high priority in the national agenda. I have had, as I said a moment ago, a long association, both as a Member of Parliament and as an individual, with international affairs in this country. As Secretary of State for External Affairs, I recognized the need for parliamentary concern and interest in the basic problems of war and peace, and I am sure that the Canadian Senate has a role to play in this area that will add to its usefulness and its stature. This is not the only area of inquiry or investigation where I see additional use of our labours and our efforts, but I am sure that in this area so vital to our country and to the world there is an opportunity for us.

At the end of the First World War, Lord Bryce, in a comparative study of the general

functions of the Upper House in the United Kingdom and in other countries, gave the highest priority to the discussion of foreign affairs. He called for "a full and free discussion of the large and important questions, such as those of foreign policy, at moments when the House of Commons may happen to be so much occupied that it cannot find sufficient time for them. Such discussion," he said, "may often be all the more useful if conducted in an assembly whose debates and divisions do not involve the fate of the Executive Government."

The examination and revision of government bills coming from the Commons is important work, and this applies to private bills or consultation bills, but I have a strong conviction that the point that Lord Bryce makes is vital and has an application for us in Canada at the present time.

I hope I will not be thought presumptuous if I say that the great international issues of our time can be and should be discussed in this chamber more often perhaps than heretofore, and that we can do so in what I am sure will be the thrust of objective debate.

I have had an opportunity of discussing the External Affairs Committee with its distinguished chairman. Speaking as an individual senator, I would like to see our External Affairs Committee assume something like the importance and stature which its counterpart has acquired in the Senate of the United States. It will be argued that in the United States the Foreign Relations Committee plays a role largely because the Senate is an elected body. There is no validity to that argument. I recognize, of course, that the Constitution of the United States provides for direct responsibility with regard to the appointment of ambassadors, and with regard to the treaty-making power, powers not presently available to us in the written portion of our Constitution.

The Chairman of the Senate Committee on Foreign Relations in the United States wields a substantial power in Congress and in the nation. He and that committee do now, as they did before the Senate became an elected body, exercise great influence. The fact is that the Senate of the United States became an elected body in 1913. Over 100 years before that the Foreign Relations Committee of the appointed Senate in the United States exercised considerable influence. Seventy-five years before the Senate of the United States became an elected body, Charles Sumner, who later became Secretary of State for Foreign Affairs in the United States, demonstrated the importance of the committee in many situations, among them, for instance, those which had to do with negotiations between Great Britain and the United States over the remaining presence of Britain in America, and over the Alabama claims.

There is great concern in this country at the present time about these matters. We should not leave the discussion of these questions alone to the academic community; we should not leave them alone to the news media. This is at least one of the forums in Canada best suited, with sufficient time at its disposal, to consider and discuss foreign policy. The Senate is one parliamentary vehicle operating between Parliament and the public in the area of foreign policy, a first item on the national agenda. What does the invasion of Czechoslovakia mean? Wherein lies the strength and weakness of a non-proliferation treaty on nuclear weapons? What should be Canada's relationship at the present time to Europe? What should be our position regarding collective security arrangements? Is our foreign aid program adequate? Are we doing too much or are we not doing enough? Are we doing it in the right way?

I recall with interest the interesting and useful meetings on foreign aid of the Senate External Relations Committee during the last Parliament. What are we doing to strengthen collective security in the United Nations? How do we bring peace to the Middle East? What is our position on the war in Vietnam? Are we going to leave the discussion of these matters to protest and dissident groups or are we going to join in the discussion and seek to give some direction? Even if we only succeed in reaching a consensus, I know we recognize the value of discussion in the Senate!

The very nature of the Senate is that it provides a place where the senators of the nation and the citizens of the state can discuss matters of great moment to the state and to the world.

I have indicated that I have no doubt about the usefulness of the Senate, in a confederation like our own. There is no doubt in my mind of the contribution that this body has made, and every senator within hearing of my voice has made, long before I came here or ever thought I would be invited to come. But, in my judgment there is need for improvement, as we have long acknowledged, and that need is not necessarily because of anything we have failed to do. Much of this improvement can come from within this chamber, in its organization and through its procedures.

I would remind the house that the federal Government on the 5th and 6th of February last, when it met with the provincial governments to discuss constitutional revision, gave some indication of its interest in this matter of improving whatever role might be available to this Upper House. In the document entitled "Federalism for the Future," bearing the signature of the then Prime Minister of Canada, and distributed to all representatives attending the conference, the Government affirmed that it believed the role and the powers of the Senate should be reviewed. At page 26 of this document, which I am sure has been distributed to all honourable senators and which bears rereading, it was noted that:

> It might well be reconstituted so as to enable it to play a new role in representing the federal character of our country. It might, for example, be called upon to make a special contribution in securing the rights of Canadians and in protecting the bilingual character of Canada. It might also be expected to reflect better than it does now the regional interests of our country.

These are not my words; these are the words of the Government of the day, although, of course, I was a member of that Government.

> If the role and the powers of the Senate were to be changed, it would also be appropriate, in the judgment of the Government of Canada, to consider changes in the method of appointment. For the method of selecting senators clearly should be related to the particular role and functions of an Upper House in a federal form of government.
>
> Our proposals for a controlled development of the Constitution do not envisage a discussion at this meeting of Senate reform. But we did want to make known the Government's view that the Senate can be made a more effective institution of federalism, and our willingness to discuss at subsequent conferences this aspect of Canada's Constitution.

Now, what I would want to emphasize is that this document does not go further than to discuss possibilities for future consideration in the constitutional review. I must add, of course, that I believe, apart from what the Government might want to propose to the provinces, and which would ultimately have to be considered by the two Houses of Parliament, that much of whatever changes should be made or could be made, we have now in this chamber the power to discuss. I am certain that we must find a way, perhaps through this chamber, to give the provinces more direct participation in the federal process. The question will be how to do that. Dr. MacKay, the author of the classic, *The Unreformed Senate*, in his revised edition puts this question: "Should we not give careful examination to direct representation of the provinces in the Senate?" I mention this because in discussing the question of improvement in our procedures, we would have to take into account declarations made by the Government on this subject, particularly in its recent discussions with the provinces.

A moment ago I mentioned the importance of foreign policy, the importance of our helping to project the nature of that policy and its implications. I would be remiss if today, having said that, I did not refer to what is mentioned in the Speech from the Throne and also to what was so ably referred to last night by my honourable friend, the Leader of the Opposition. The fact is that the invasion of Czechoslovakia has occasioned our deepest concern. While we must continue to work for the easing of tensions between East and West, we must recognize that recent events in Czechoslovakia have slowed down this process.

Certainly, the Canadian Government could not sit by and not protest. And, of course, there are limitations as to why at the present time it could do little more.

Article 24 of the Charter of the United Nations, which was approved by Parliament in 1945, imposes on the Security Council the primary responsibility for the maintenance of international peace and security. Canada is now a member of that Council, and will be until the end of December this year. Therefore, we had a responsibility to see that the United Nations, within its regrettable limitations, took the action it did.

What are the principles that we, as a country, have a duty to uphold? They are: the recognition of the sovereign equality of all nations—that is the bedrock on which the Charter itself is based; and they include the requirement that all members shall refrain, in their international relations, from the threat or use of force against the territorial integrity or the political independence of any state.

These principles embody fundamental concepts of international law. There would be no hope for ultimate peace in the world if these principles were to be wantonly abandoned

and disregarded by those who were not a party to the abandonment.

The act of the Soviet Union and some of the Warsaw Pact countries was condemned by Canada. It must be condemned by us today. Indeed, there is a relevant United Nations resolution, introduced in December, 1965 by Mr. Gromyko, the Foreign Minister of the Soviet Union, which reads, in part, as follows:

> No state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are condemned.

I was the spokesman for Canada on that occasion. I supported that resolution as, indeed, did practically every member of the United Nations.

There can be no disagreement about the facts of the middle of August last in Czechoslovakia; that is, that the Union of Soviet Socialist Republics, and some of its allies, intervened with armed force in the affairs of Czechoslovakia.

It is relevant to recall a statement issued on August 21 by the Presidium of the National Assembly of Czechoslovakia:

> The Presidium of the National Assembly expresses a deep and entire disagreement of the occupation of the Czechoslovak Socialist Republic by the allied armies. This act has outrageously interfered with the sovereignty of our state. We demand an immediate departure of your troops from our country.

Honourable senators, the intervention by forces of the Soviet Union and other Warsaw Pact countries in Czechoslovakia was a violation of the Charter of the United Nations. And what I have said today is no more than what our ambassador was authorized to say on different occasions in the Security Council. His statements followed the statement of the Secretary of State for External Affairs, Mr. Sharp, who declared:

> The Canadian Government views the invasion of Czechoslovakia with shock and dismay. We condemn this use of force. All Canadians feel the deepest concern for the courageous people of Czechoslovakia in this hour of trial.
>
> The invasion and occupation of Czechoslovakia constitute a flagrant breach of the principle of non-intervention to which the Soviet Union itself professes to subscribe. It is also a tragedy for all peoples who prize human freedom and national independance, and I am confident that its significance will not be lost on the people of Eastern Europe, and even the Soviet Union.
>
> I am sure that all of us will be anxious to keep in mind our ultimate goal of seeking a durable East-West accommodation, but no one can doubt that the Soviet occupation of Czechoslovakia constitutes a serious setback to rational dialogue.

I think the statement of the Secretary of State for External Affairs emphasizes strongly our common convictions and takes into account the delicate limitations that attend a situation like this when we are trying to move toward detente, when we are trying to get agreement on arms control, and in other matters that so vitally affect the security of the world itself.

In the Speech from the Throne the Government has re-emphasized its determination to play its part in assisting the underdeveloped nations. Canada will allocate this year some $350 million to assist the underdeveloped nations. Our allocations are increasing in dollar amount. The regrettable feature about foreign assistance is that the gap between the developed and the underdeveloped nations is wider than when programs of international assistance began. Nevertheless, there is the responsibility of the more fortunate economically endowed countries to share their treasure in the interests of minimizing the occasions of friction. It is not only in direct gifts such as we are engaged, but in trying to assist these countries in their problems of trade, and in supporting the United Nations Trade and Development Organization, that we might perhaps reach the point when we can give more effective assistance, even, than we are giving now. And I am sure that no one who looks at the world can fail to appreciate that a country like Canada, with its high standard of living, has an obligation, along with other countries in the O.E.C.D. group, to do all that is possible to raise standards of living, not only of our own people but of the people of the underdeveloped countries as well.

The Speech from the Throne, as we were reminded last night by the Leader of the Op-

position, mentions that much has been accomplished to make our society more just in terms of income distribution and security, but in spite of our social welfare programs, which are extensive, we must agree that poverty does continue to exist in this country. It exists in all countries. We should not forget, however, that it would be dishonest to pretend that there is a simple or an immediately effective solution.

There is the challenge issued to this house by the Economic Council of Canada in its 1968 *Annual Review* issued this month, entitled: "The Challenge of Growth and Change". It has been suggested by the Council that the Senate should consider the advisability of creating a committee to inquire into the problem of poverty in Canada. At page 136 the report says:

> An earlier Senate inquiry into the problems of land use in Canada helped to bring about the Agricultural Rehabilitation and Development Act (ARDA) in 1961. The inquiry we propose would deal with all aspects of poverty, urban and rural. Many excellent witnesses, both Canadian and foreign, would be available to appear before the committee, whose work could also be aided by a small but competent research staff. The work of such a committee could do much to define and elucidate the problem of poverty in Canada, and to build public support for a more effective structure of remedial measures.

Through one of its members, the Senate did not wait long to respond to the Economic Council's challenge. Senator Croll, on Friday last, gave notice of his intention to move the establishment of a special committee of the Senate to investigate and report upon all aspects of this problem in Canada. At the appropriate time when this matter is debated I, as the spokesman for the Government, will make those remarks which the Government authorizes me to make. But, I would like to say, that while I appreciate the projection by the Economic Council of this important problem, the Prime Minister said the other day that it is clear that long before this report was issued the Government was fully aware of the nature of the problem and had done a great deal about it.

[*Translation*]

Honourable senators, we know that there cannot exist in this country two Canadas, one French and the other English; we also know that there cannot exist two Canadas, one rich and the other poor; we know we must solve those two aspects of the problem. As to the French-English aspect, we all say that all Canadians are above all Canadians, but that there are two official languages in this country.

Moreover, I would say that in order that French Canadians may not feel compelled to coil up in their province, there should be constitutional and legal guarantees making the French language one of the two official languages everywhere in Canada.

People know very well that it does not follow from that that everybody should speak both languages, but rather that the two linguistic groups have the right to speak the language of their choice. I am not referring only to Canadians of French origin, but also to French-speaking Canadians of Hungarian, Ukrainian, Italian origin or others. As for the second linguistic group, it includes not only people of English or Scottish origin, but all English-speaking Canadians, regardless of their ethnic origin.

We believe that the Canadian people are ready to seek unity, even if it means that we should devote to that cause a little more time and invest a little more money in the Canadian civil service or in the services of any area whose bilingual population justifies the setting up of a bilingual district, according to the recommendation contained in the report of the Royal Commission on Bilingualism and Biculturalism—and the honourable Leader of the Opposition mentioned the recommendation of the Laurendeau-Dunton commission in his speech, last night.

[*English*]

Honourable senators, the Government has indicated, notably in the Speech from the Throne, that it will introduce a totally new official languages act, based on the recommendations of the Royal Commission on Bilingualism and Biculturalism, in order to change the way in which the law of our bilingual country is presented and made known.

The Government, as was made clear by the former Prime Minister and the present one, supports the recommendations of the report of the Royal Commission on Bilingualism and Biculturalism. It agrees with the principle of equal access to education in either official language, and it agrees with the Commission when it says that it is essential to write some other principles into the Constitution of Canada again, as a solemn recognition of their

importance and as an added protection for their observance.

That is my respectful reply to the observations made in this context by the honourable Leader of the Opposition (Hon. Mr. Flynn) last evening.

The Commission points out that section 133 of the British North America Act specifically refers to the use of the English and French languages. As my honourable friend reminded us last evening, the fact is that in this section the guaranteed usage of both languages is limited to debate in the Parliament of Canada and the Legislature of Quebec, the official publication of the Statutes in Ottawa and Quebec, and pleadings and processes of all federal and all Quebec courts. But there is no explicit provision for the use of English or French in either the federal or the Quebec administrative services, or in delegated legislation.

The Commission believes that section 133 should be amended to remove any uncertainty that English and French are the two official languages of Canada, and to provide rules for the application of the principle of equality.

I hasten to add, as the Prime Minister has repeatedly indicated, that these objectives do not in any way overlook the rights of other ethnic groups in this country. The Government fully agrees with the Commission when it emphasizes in its recommendation that

> ...nothing in this section shall be taken to diminish or restrict the use, as established by present or future law or practice, of any other language in Canada.

Hon. Mr. Connolly (Ottawa West): Would the honourable leader of the Government give the page reference?

Hon. Mr. Martin: Yes. This is to be found at page 133 of the Report of the Royal Commission on Bilingualism and Biculturalism. I thank Senator Connolly (Ottawa West) for asking me to give that information.

The Government has decided to introduce an official languages act because it believes, as the Commission urges, that the Government must legislate forthwith on language matters in order to give French and English equal status within its own jurisdiction.

As the Commission sees it, the main aim of an official languages act should be to ensure that Canadian citizens can deal with administrative bodies in the two languages, and to give the Governor in Council the necessary authority for negotiating with provincial and local authorities involved to widen the opportunities for Canadian citizens to deal with the branches of government in both official languages.

When this bill comes here we will have an opportunity to deal with it. I assure the house that the Government regards this as one of the vital measures to be placed before the present Parliament. It is one which I firmly believe is essential, if we would take those steps necessary for the preservation of our national integrity and unity.

[*Translation*]

We witnessed recently a demonstration of the policy of involvement at a time when Canadians are conscious, more than ever I think, of the progress we have made as a nation.

All Canadians, whatever their language or culture, must feel like citizens of all Canada; that is the meaning we give to the policy of involvement.

Involvement is the opposite of separation.

National unity is the concern of each and everyone of us.

We have outlined as basic objectives the equality of rights for all Canadians. Those rights must apply to any Canadian who feels left out of the mainstream of life in the community.

Our goal must be to make the federal Government a huge point of convergence in Canadian life, without ever losing sight of the position of the provinces.

It cannot be denied that powerful forces are being exerted against the present division of powers between the federal and provincial levels of government. We have said clearly that we must recognize set limits for the federal powers. What are those limits?

First, our power to manage the economic affairs of the country.

Second, the indivisibility of our international presence.

Third, our power to act in the national interest in matters concerning all Canadians.

In order to protect those powers, the Government is willing to extend the participation of the provinces in the federal activities and institutions which may be of concern to the provinces. We favour the revision of our Constitution to create a federalism within which all the provinces will have the right to play their role fully in the federal form of government.

We must proceed without delay—that is the opinion, the position of the federal Government—with constitutional amendments to define more clearly the fields in which jurisdiction is doubtful, but we must insist on keeping for the federal Government the powers it needs to ensure economic prosperity, equal opportunities to all Canadians, and the integrity as well as the unity of our country.

Similarly, honourable senators, we must make sure that the provincial governments participate fully in external activities which are of concern or interest to them.

However, we must defend, it seems to me, the fundamental principle of the indivisibility of our foreign policy. We must ensure that only one voice speaks abroad on behalf of Canada.

It is imperative, for the unity of our country, that its foreign policy not be fragmented. We must toil towards national unity. I am convinced that we all agree on the matter of national unity.

[*English*]

Honourable senators, you have all been generous in listening to me for this length of time. I have sought to give some indication of my approach to my responsibilities as a senator in this house and as Leader of the Government. I take my seat, expressing my earnest desire to be of some service, as a former prime minister who sat in this place once said, "as the link between the government of the day and this chamber in opening the door of opportunity to the Senate, so that with the co-operation of honourable members on both sides of this house it may discharge to the full its duty to the people of our country." That was his desire, and that is my desire today.

Hon. M. Grattan O'Leary: Honourable senators, I had intended to ask leave to adjourn the debate, but if it is the wish of the house and there is no objection I shall proceed. I shall try to be brief.

First, Mr. Speaker, I must join with others in extending to you the very just praise and felicitations which are yours on assuming the high office you now occupy.

I should like to say a few words of more than formal appreciation of the speeches we heard on Friday last in the moving and seconding of the Address in reply to the Speech from the Throne. Especially would I like to express my appreciation of the speech delivered by Senator Lazarus Phillips. I think it was the finest speech of its kind that I have heard since coming to this house. It had what Mr. Gladstone once called "measure"; it had tolerance; it had understanding; and it had even a touch of wit and humour. We often hear suggestions about how this Senate could be improved, could be made more effective and more meaningful. I suggest, honourable senators, that one way of doing that would be to send here more men of the heart, intellect and conscience of Senator Lazarus Phillips.

Hon. Senators: Hear, hear.

Hon. Mr. O'Leary (Carleton): No matter how we tinker constitutionally with this house, no matter how we change its rules and procedures, in the last resort the good of this house and the character of this house will be determined by those who compose its membership.

I had intended to deal immediately with the Speech from the Throne, but our new and distinguished Leader of the Government (Hon. Mr. Martin), although he spoke for more than an hour—and I listened to him with close attention and great interest, as I always do—devoted exactly ten of those 60 minutes to discussing the Speech from the Throne. That is understandable; I think it explains the skill in debate which has achieved for him the high position he has occupied in the parliamentary life of this country for the last 40 years.

I remember reading a court case heard in England some years ago in which Lord Birkenhead, then F. E. Smith, was appearing. He listened to his opponent, a very distinguished counsel, presenting his case in a speech which lasted two hours. When his opponent sat down, Lord Birkenhead rose and said, "My Lord, following the example of my learned friend, I will submit the case without argument." I think that is what rather influenced the Leader of the Government today. Like the Speech from the Throne, he submitted the case without argument.

Before I come to the Speech from the Throne I should like to deal briefly with the two subjects with which the Leader of the Governement dealt, namely, foreign policy and the Senate. I entirely agree with him—and I have said it before in this chamber—that any real, meaningful improvement in this house should have its origin in the house itself, should come from those sitting here who know and understand more about the Senate's real functions and needs.

I remember many years ago, a very distinguished parliamentarian, a very great Canadian, the honourable Clifford Sifton,

speaking on the role of the Senate, said that the real function of the Senate should not be the protection of minorities, not protection against the executive, not a second look at the work of the House of Commons, but protection of the public interest from the growing power of the bureaucracy. I agree with that.

Honourable senators, we hear much in this country and in other parliamentary countries about the disturbing power, the disturbing growth of power of the Prime Minister. I subscribe to that: I do not think many of our people realize that the Prime Minister of Canada today wields as much if not more power than the President of the United States, who is subject to checks and balances. The real Government of Canada today is not with the House of Commons, not with the executive and not in this Senate: the real Government of Canada today is carried on from the office of the Prime Minister and the office of the Privy Council. I could name ten bureaucrats, and each of them having more power than any member of this chamber or any member of the other place, and far more power in the Government of Canada than any member of the cabinet.

The question is, how do we check that growing power? The genius of free British institutions, the genius of a free parliamentary society, is in countervailing forces. Thus, we have, in justice, the prosecution and the defence; in Parliament, we have the Executive and the Opposition. But, honourable senators, there is no countervailing power against the pretensions of the bureaucracy. How does the average cabinet minister know that he is getting the right advice? How does the cabinet know that it is getting the right advice?

What the cabinet needs is a devil's advocate, an organization of its own, to check the advice and the policies submitted to it by the bureaucracy. I am not saying these men are dishonest, I am not saying they are incompetent, I am not saying they are not good Canadians; but these men are human, they are not infallible. So, there should exist in the cabinet or near the cabinet or in the office of the Prime Minister, some countervailing check on the pretensions and the power of the bureaucracy. Unless this be so, unless this comes, not only the power of the executive, not only the power of the cabinet but the power of Parliament itself will steadily diminish.

It is true also that the Opposition in Parliament, in the other place and here, should have at its disposal research facilities to check the policies and the programs of the executive, no matter whence they come.

I know that in recent years, in recent weeks or days, the Prime Minister has suggested that the Government provide the Opposition with research facilities. That is a step in the right direction, but it is not what is needed. The Opposition must never accept research facilities as a favour from the Government. Those facilities should be given to the Opposition by Parliament itself, by an act of Parliament, just as the Leader of the Opposition is given his salary by an act of Parliament. Those powers should be given by Parliament, to Parliament, to reconstruct and strengthen the structure of Parliament itself. They should not be a gift from any government, not some government turning over a lot of young bureaucrats beholden to it, to tell the Opposition what is wrong or right about this or some other thing. This facility for research by the Opposition should be given by Parliament, by terms of reference set up by Parliament, and it should be under the control of Parliament, for Parliament's own safety.

Honourable senators, I believe the Senate could play a much more effective role than it is playing today. After all, how is the Government of this country carried on? I venture to say that 75 per cent of all the administrative acts taken by the Government are taken by order in council. How many of those orders in council are examined by this Senate? Do we take a second look at them? Do we take any look at all at them? How much examination do we give to delegated authority, to the acts of bureaux and commissions and so on, to the acts of people who are dealing directly with civil liberties, dealing with individuals, who can curtail and abuse their power, who can abuse the rights of the citizen? This house is supposed to protect minorities—and in this case the public is a minority, it is a minority in the case of government, in the case of bureaucrats, in the case of boards, bureaux and commissions. This house should and could perform a meaningful service, by taking a look at the orders and the records of those boards. I submit to you that in no other way will we get meaningful parliamentary and democratic government in this land. I would like to pursue this further and I shall take occasion later to do so.

Honourable senators, I should like to say a few words on the reference by the honourable

Leader of the Government to foreign affairs. My complaint about foreign affairs is that the Parliament of Canada is not given adequate information about the conduct of foreign affairs. A few years ago I complained when Senator Connolly (Ottawa West), who had been our distinguished leader, came to this house and, with a proper show of pride, told us that we were proposing to send troops to Cyprus. The impression he gave to us then —if not directly, indirectly—was that this would be for a period of three months or perhaps six months. For nearly four years our troops have been in Cyprus, at a cost of some $11 million to the Canadian treasury and at a cost last year of $3,500,000. Does any person in this nation believe that peace in Europe, or peace between Turkey and Greece, was kept by that force of 800 Canadians? To believe so would be absolute nonsense. Even today, when even Archbishop Makarios says that these troops are no longer needed, we are going to reduce the force only by 25 per cent.

I submit to you that this has never been a United Nations' force: it has been a fraud on the people of this country and on the world to call it a U.N. force. Honourable senators, I object strenuously to the word of U Thant being offered to this country as the word of the Holy Ghost. I object to this and, what is more, I would like to ask the Government why are we intervening in the domestic affairs of Rhodesia. Why did the Security Council intervene in the affairs of Rhodesia, contrary—according to a great authority, no less than the former Secretary of State of the United States, Mr. Dean Acheson—to its charter and a betrayal of all that the United Nations should be about.

We go on blindly accepting anything which comes to us from Whitehall or Downing Street. If Mr. Wilson said tomorrow that a thing is right about Rhodesia, we say it is right; if he says we should impose sanctions, we impose sanctions.

I submit again that this little country has no right to interfere in the domestic affairs of other countries.

I know there are people in this nation who go about proudly asserting that we are a middle power, that we are this or that, and —in this respect we have caught some of the fervour of our American neighbours—that we are the "Mr. Fixit," to go all over the world supervising the behaviour of human beings here, there and everywhere. No nation on earth today has that power or that right or that capacity, as we have seen in Vietnam. Not even our rich, powerful Americans are able to supervise and control human behaviour all over the earth.

But I get back, honourable senators, to my contention. The distinguished leader of the house today said that we must take more active interest in foreign affairs. Well, we cannot take that active, effective interest in foreign affairs unless somebody in his position tells us more of what those affairs are about.

I recall, two years ago, going with the Canada-United States Interparliamentary group to Washington. Before we went there we were briefed by some gentlemen from the Department of External Affairs. They were good. They were intelligent. They briefed us on NATO. But, honourable senators, it was not until we reached Washington and not until we actually sat across from the American members of that group that we were told how many submarines Russia had placed in the Mediterranean during the last year. They gave us the exact figures. They did not have every document marked "security". They did not have every document marked "restricted information". They had been supplied with everything and they gave us information we could not get here, even if we asked for it.

I submit that you are not going to get our people to take an active, informed interest in foreign affairs unless we have more frankness, more candour and more good sense from our Department of External Affairs. This is true of the Senate, and I believe, sir, that when you come, as you indicate, not to liquidate the Senate but to sit down with us to try to improve it, you, with your great wealth of information about foreign affairs, should insist on these things.

We should bring these young men before the External Relations Committee and compel them to give us the information we want. We should not have them say to us, "Oh, this is restricted information," and walk out. This is not the way it should be. This is not the way to get your people to take a responsible interest in external affairs, which, after all, are only an extension to the rest of the world of domestic policy. There is nothing mysterious about foreign affairs.

Surely there is more to external relations than Cadillac cars and cocktail parties here, there and everywhere all over the world. This is what I object to. This is not a secret society. This is not something above or beyond the rest of the populace. We are not aborigines. We are Canadian citizens who are paying the salaries of these gentlemen, and they should be more responsible to us.

Now, sir, having said that, and I would like to say more, I want to come to the Speech from the Throne. I noticed that my friend the Leader of the Government devoted very little time to the Speech from the Throne. I can understand this. I remember that during the course of the summer the Prime Minister admonished his colleagues very sternly, saying, "You must not leak out what is going on in the cabinet." Now, sir, when I read the Speech from the Throne I wondered why he should have admonished them so sternly, because nothing was going on in the cabinet.

Is this a Speech from the Throne? This, sir, is not what a Speech from the Throne should be. A Speech from the Throne traditionally, almost down through the centuries, has been an indication of a government program to be submitted to the Parliament. This, sir, is not a program. This is a yawn. There is nothing here. There is nothing of reality for real people or for the problems of real people in a real world. There is nothing here but a cascade of cliches, a procession of decayed platitudes.

Some objection was taken recently in the other place to the fact that the Speech from the Throne did not mention the name of Her Majesty the Queen. Honourable senators, I submit to you that that was not the chief grievance of the Queen. Her chief grievance was that this anaemic English, this collection of platitudes, should be put into the mouth of her representative. And I do believe that His Excellency the Governor General has a valid claim against whoever it was who wrote that speech.

I said it was a "yawn". Sir, it is more than that. This is an apologia for doing nothing. It is an apology for impotence; more than that, it is a political pamphlet. It is a political pamphlet and a party pamphlet which never should have been put into the mouth of the Queen.

Go over Speeches from the Throne in the past—not only here but in England. My distinguished and brilliant colleague, I. Norman Smith of *The Journal*, did that the other day. He went over Speeches from the Throne for 100 years past and found that never—never in England, never here—either under Conservative governments or Liberal governments, did they use the Speech from the Throne as it has been used on this occasion. Politics! Politics all the way through.

Let me read you, for example, some of the things which the speech said—and, incidentally, I advise all of you to read "Why is a Throne Speech?" in this afternoon's *Journal*. Let me read you this:

> For its part, Parliament can be assured that the federal Government will contribute fully and assume leadership wherever it can properly do so.

Does the Queen say this? Is she telling us that her ministers in Ottawa are going to assume proper leadership here, there and the other place? But listen to this:

> We have taken and are taking effective strides toward economic conservation...

The Queen is telling us this—to the extent of three thousand words? Do you know how long the British Speech from the Throne was last year and the year before? One thousand two hundred words and one thousand three hundred words, respectively. They indicated what they were going to do and let it go at that. The defence of it or praise of it was to come late—although it did not come this afternoon from the distinguished Leader of the Government. He made no attempt to defend this speech, and I venture to say he had nothing to do with the writing of it. At least I have too much respect for him in his mastery of the English language to think that the anaemic English of that document should have been written by him.

I say, sir, that, if we cannot elect cabinet ministers who can write better English than that, then we are in a bad way.

All summer long Canadians got up and read their morning papers expecting some dramatic announcement—the "new thrust." The "new era." What did they get? All they got was a succession of appointments of new executive assistants for ministers, or new judges for the citizenship courts.

What were the members of the cabinet doing? I suspect they must have been listing to travelogues! Stratford; the northern lights of the Yukon; Palma, with its beauty in the sunset; and the magic of the dance floors of Madrid. This, sir, is the reason. This is the reason for the poverty and impoverishment of the Speech from the Throne. There has never been anything like it in the history of Canada and I pray to God there shall never be anything like it again. It is a confession of impoverishment. What is there in this Speech from the Throne of immediacy or urgency for the 450,000 Canadians who are unemployed?

I remember, sir, in the old days of a Conservative Government when you were in your prime and you rose in the House of Commons every day on the Orders of the Day and said,

"What in the name of Heaven is this Government doing about the unemployed?" There are 450,000 of them now. There are countless thousands of our people living in squalor and poverty and despair and for them there is not a line, not a word in this Speech from the Throne. The "just society" has become a shore seen but dimly.

I could go on for another half-hour or an hour, but I will be thoughtful of you. I will close by saying this: Years ago in England when somebody said to Adam Smith that a certain policy would ruin the nation, Smith replied "There is a lot of ruin in a nation." For Canada's sake, sir, seeing that we are threatened with the fate of this administration for perhaps another two or three years to come, for Canada's sake I hope that Adam Smith was right.

On motion of Hon. Mr. Cameron, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

(*See p. 41.*)

SECOND REPORT OF THE COMMITTEE OF SELECTION

Wednesday, September 18, 1968

The Committee of Selection, appointed to nominate senators to serve on the several standing committees during the present session, makes its second report, as follows:—

Your committee has the honour to submit herewith the list of senators nominated by it to serve on each of the following standing committees, namely:

JOINT COMMITTEE ON THE LIBRARY

The Honourable the Speaker, the Honourable Senators Bélisle, Cameron, Fergusson, Fournier (De Lanaudière), Gladstone, Gouin, Haig, Irvine, Kinnear, MacDonald (Queens), O'Leary (Antigonish-Guysborough), White and Yuzyk. (13)

JOINT COMMITTEE ON PRINTING

The Honourable Senators Haig, Isnor, McGrand, O'Leary (Antigonish-Guysborough), Pearson, Phillips (Prince), Savoie, Sullivan, Welch and Willis. (10)

JOINT COMMITTEE ON THE RESTAURANT

The Honourable the Speaker, the Honourable Senators Beaubien (Provencher), Fergusson, Inman, Macdonald (Cape Breton) and White. (5)

BANKING AND COMMERCE

The Honourable Senators Aird, Aseltine, Beaubien (Bedford), Beaubien (Provencher), Benidickson, Blois, Bourget, Burchill, Carter, Choquette, Connolly (Ottawa West), Cook, Croll, Desruisseaux, Dessureault, Everett, Farris, Fergusson, *Flynn, Gélinas, Gouin, Grosart, Haig, Hayden, Hays, Inman, Irvine, Isnor, Kinley, Laird, Lang, Leonard, Macdonald (Cape Breton), MacKenzie, Macnaughton, *Martin, McDonald, Molson, O'Leary (Carleton), Paterson, Pearson, Phillips (Prince), Rattenbury, Roebuck, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, Walker, Welch, White and Willis. (49).

* Ex officio members.

CANADIAN TRADE RELATIONS

The Honourable Senators Aird, Beaubien (Bedford), Bélisle, Blois, Bourque, Burchill, Cameron, Cook, Dessureault, Farris, *Flynn, Gouin, Kinley, Leonard, MacDonald (Queens), *Martin, Méthot, Molson, O'Leary (Carleton), Paterson, Pearson, Phillips (Prince), Phillips (Rigaud), Urquhart, Vaillancourt, Walker and Welch. (25).

* Ex officio members.

DEBATES AND REPORTING

The Honourable Senators Beaubien (Bedford), *Flynn, *Martin, McGrand, Monette, Savoie and Sullivan. (5)

* Ex officio members.

EXTERNAL RELATIONS

The Honourable Senators Aird, Benidickson, Blois, Boucher, Cameron, Cook, Croll, Farris, Fergusson, *Flynn, Fournier (De Lanaudière), Gouin, Grosart, Haig, Hayden, Inman, Laird, MacKenzie, Macnaughton, *Martin, O'Leary (Carleton), Quart, Rattenbury, Roebuck, Savoie, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, White and Yuzyk. (28).

* Ex officio members.

FINANCE

The Honourable Senators Aird, Aseltine, Beaubien (Bedford), Beaubien (Provencher), Bélisle, Benidickson, Burchill, Choquette, Connolly (Halifax North), Connolly (Ottawa West), Croll, Denis, Desruisseaux, Dessureault, Everett, Farris, *Flynn, Gélinas, Giguère, Grosart, Haig, Hayden, Hays, Isnor, Kinley, Leonard, MacKenzie, *Martin, Méthot, Molson, O'Leary (Antigonish-Guysborough), Paterson, Pearson, Phillips (Prince), Quart, Rattenbury, Roebuck, Savoie, Smith (Queens-Shelburne), Thorvaldson, Vaillancourt, Welch, Willis and Yuzyk. (42).

* Ex officio members.

IMMIGRATION AND LABOUR

The Honourable Senators Argue, Beaubien (Provencher), Bélisle, Boucher, Burchill, Cameron, Cook, Croll, Davey, Fergusson, *Flynn, Fournier (De Lanaudière), Fournier (Madawaska-Restigouche), Gladstone, Grosart, Hastings, Lefrançois, Macdonald (Cape

Breton), *Martin, McElman, Monette, Paterson, Pearson, Prowse, Rattenbury, Roebuck, Urquhart, Vaillancourt, White, Willis and Yuzyk. (29)

* Ex officio members.

INTERNAL ECONOMY AND CONTINGENT ACCOUNTS

The Honourable Senators Basha, Beaubien (Bedford), Beaubien (Provencher), Bourget, Choquette, Denis, Deschatelets (Speaker), Dessureault, *Flynn, Fournier (Madawaska-Restigouche), Gouin, Hayden, Irvine, Isnor, Lang, Macdonald (Cape Breton), *Martin, Molson, O'Leary (Antigonish-Guysborough), Paterson, Smith (Kamloops), Smith (Queens-Shelburne), and Vaillancourt. (20)

* Ex officio members.

MISCELLANEOUS PRIVATE BILLS

The Honourable Senators Aird, Beaubien (Bedford), Beaubien (Provencher), Bélisle, Bourget, Bourque, Choquette, Connolly, Halifax North), Croll, Eudes, Farris, *Flynn, Gouin, Hayden, Hollett, Macdonald (Cape Breton), *Martin, Méthot, Monette, Nichol, Prowse, Quart, Roebuck, Sullivan, Thorvaldson, Urquhart, Walker, Welch, White and Willis. (28)

*Ex officio members.

NATURAL RESOURCES

The Honourable Senators Aird, Argue, Basha, Beaubien (Provencher), Bélisle, Boucher, Bourque, Burchill, Cameron, Cook, Dessureault, *Flynn, Fournier (Madawaska-Restigouche), Gladstone, Hastings, Hayden, Hays, Kinley, *Martin, McDonald, Méthot, Monette, O'Leary (Carleton), Paterson, Pearson, Phillips (Prince), Prowse, Quart, Robichaud, Vaillancourt, Walker, Welch, White and Yuzyk. (32)

*Ex officio members.

PUBLIC BUILDINGS AND GROUNDS

The Honourable Senators Aseltine, Choquette, Dessureault, *Flynn, Irvine, MacDonald (Queens), *Martin, McGrand, Paterson, Sparrow, Thorvaldson and Walker. (10)

*Ex officio members.

PUBLIC HEALTH AND WELFARE

The Honourable Senators Beaubien (Bedford), Boucher, Burchill, Choquette, Connolly (Halifax North), Denis, Farris, Fergusson, *Flynn, Fournier (Madawaska-Restigouche), Gladstone, Gouin, Haig, Inman, Irvine, Kinley, MacDonald (Queens), *Martin, McGrand, Monette, O'Leary (Antigonish-Guysborough), Phillips (Prince), Quart, Roebuck, Smith (Queens-Shelburne), Sullivan, Thorvaldson and Welch. (26)

*Ex officio members.

PUBLIC SERVICE ADMINISTRATION

The Honourable Senators Bélisle, Blois, Bourque, Cameron, Choquette, Dessureault, Fergusson, *Flynn, Gouin, Grosart, Inman, Irvine, Kinley, *Martin, O'Leary (Antigonish-Guysborough), O'Leary (Carleton), Quart, Roebuck and White. (17)

*Ex officio members.

STANDING ORDERS

The Honourable Senators Beaubien (Provencher), Choquette, *Flynn, Fournier (De Lanaudière), Grosart, Hayden, Hollett, Inman, Kinley, *Martin, Méthot and O'Leary (Antigonish-Guysborough). (10)

*Ex officio members.

TOURIST TRAFFIC

The Honourable Senators Basha, Beaubien (Provencher), Bélisle, Cameron, Connolly (Halifax North), Croll, Davey, Fergusson, *Flynn, Grosart, Hastings, Hollett, Inman, Isnor, *Martin, McElman, Méthot, Molson, Nichol and Roebuck. (18)

*Ex officio members.

TRANSPORT AND COMMUNICATIONS

The Honourable Senators Aird, Aseltine, Beaubien (Provencher), Bourget, Burchill, Connolly (Halifax North), Connolly (Ottawa West), Croll, Davey, Desruisseaux, Dessureault, Farris, *Flynn, Fournier (Madawaska-Restigouche), Gélinas, Gouin, Haig, Hayden, Hays, Hollett, Isnor, Kickham, Kinley, Kinnear, Lang, Lefrançois, Leonard, Macdonald (Cape Breton), *Martin, McDonald, McElman, McGrand, Méthot, Molson, Paterson, Pearson, Phillips (Prince), Quart, Rattenbury, Roebuck, Smith (Queens-Shelburne), Thompson, Thorvaldson, Welch and Willis. (43)

*Ex officio members.

All which is respectfully submitted.

A. L. BEAUBIEN,
Chairman.

THE SENATE

Thursday, September 19, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Reports of the Department of Veterans Affairs and of the Canadian Pension Commission for the fiscal year ended March 31, 1968, pursuant to section 9 of the Department of Veterans Affairs Act, chapter 80, and section 4(2) of the Pension Act, chapter 207, R.S.C., 1952, including the Report of the War Veterans Allowance Board for the same period. (English and French texts).

Report of the Cape Breton Development Corporation, together with Financial Statements and Auditors' Report, for the year ended December 31, 1967, pursuant to section 33 of the Cape Breton Development Corporation Act, chapter 6, Statutes of Canada, 1967-68. (French text).

Interim Capital Budgets of the Cape Breton Development Corporation for the year ending December 31, 1968, pursuant to sections 21 and 26 of the Cape Breton Development Corporation Act, chapter 6, Statutes of Canada, 1967-68, together with copy of Order in Council P.C. 1968-709, dated April 10, 1968, approving same. (English and French texts).

Report of the Department of Fisheries for the year ended December 31, 1966, and the Financial Statements of the Department for the fiscal year ended March 31, 1967, pursuant to section 8 of the Department of Fisheries Act, chapter 69, R.S.C., 1952. (English and French texts).

DIVORCE

REPORT OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's first report:

Your committee recommends:

1. That it be granted leave to sit during adjournments of the Senate, and during sittings of the Senate.

2. That it also be granted authority to appoint as many subcommittees as deemed necessary for the purpose of considering such divorce matters as may be referred to them by the committee and to set the quorum thereof, the subcommittee in each case to report its findings to the committee.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Roebuck moved that the report be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, September 24, 1968, at 3 o'clock in the afternoon.

Hon. Mr. Connolly (Ottawa West): May I ask the honourable the leader if it is the intention that the house shall sit on Tuesday evening also?

Hon. Mr. Martin: I dealt with this matter yesterday but I do not think that honourable Senator Connolly was in the chamber at that moment. I indicated at that time that our intention was to sit on Tuesday evening also.

Motion agreed to.

RULES OF THE SENATE

PROPOSED SPECIAL COMMITTEE—MOTION FOR APPOINTMENT

Hon. Paul Martin moved, pursuant to notice:

That a Special Committee of the Senate be appointed to examine the Rules of the Senate, and to recommend to the Senate any changes therein considered by the committee to be either necessary or desirable; and

That the committee have power to call for persons, papers and records, to examine witnesses, to report from time to time, to print such papers and evidence from day to day as may be ordered by the committee and to sit during sittings and adjournments of the Senate.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes, for an address in reply thereto.

Hon. Donald Cameron: Honourable senators, by way of introduction I would first like to pay my respects to His Honour the Speaker and tell him how delighted I was when I heard of his appointment to this position. I have known him for many years, since his appointment as a Minister of the Crown. I have always known him to be a man of integrity, one who has done his work with care and distinction, and I am sure that we are all very happy to have him among us in this honoured position in the Senate.

I should also like to extend my compliments to the new Leader of the Government in the Senate (Hon. Mr. Martin), also a friend of long standing, and to say that we wish him well in this chamber and that we look forward to the leadership he will be able to give us.

May I also extend my felicitations and congratulations to the new members of the Senate who have joined us in this chamber for the first time. They represent an interesting variety of backgrounds and experience, and I am sure that this chamber will be enriched by the contributions they make.

I join with other honourable senators in commending Senator Phillips and Senator Eudes on the excellent speeches they made in moving and seconding the motion for an Address in reply to the Speech from the Throne.

I should like to compliment my friend and colleague Senator Flynn on his speech in the debate on the motion for an address. It had that touch of partisanship that adds piquancy to any debate but, as we always expect from him, he was fair and constructive.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. Cameron: I should like to compliment the honourable Leader of the Government for two things. The first of these is his announced intention to have a more meaningful discussion of external affairs in the Senate. Honourable senators will welcome this, because it is an area in which they, by reason of their background, experience and maturity, can be very helpful.

Secondly, I was very glad to hear Senator Martin say that he had not become the Leader of the Government in the Senate in order to preside over its liquidation. Most honourable senators will agree with him when he says that the Senate can and does play an effective, if unpublicized, role as the public forum on matters of interest to all Canadians, and that it should go much further in this respect.

The second role of the Senate is an investigatory one. This house has already performed extremely valuable national service through its special committees on Finance, Manpower and Employment, Land Use, Aging, Consumer Credit, and Science Policy. Had the Cabinet not acted as they did and set up a special task force to study Canada's housing problem, we were prepared, and are still prepared, to go ahead to study the full question of housing, including such matters as land acquisition, intergovernmental co-operation and responsibility, finance and technology. However, we shall wait to see what Mr. Hellyer's task force comes up with, and if we think there are areas which are still untouched we can constitute a committee.

Finally, we have before us a motion to constitute a special committee of the Senate to study poverty. That is a truly monumental task, but it is one which the Senate is willing to undertake, and I look forward to participating on that committee.

Honourable senators, for a few moments I should like to comment on the excellent speech made yesterday by my friend and colleague, Senator O'Leary (Carleton). I want to commend him, and to support his plea for more information of substance with respect to Canada's role and responsibility in foreign affairs. Like most Canadians I have a sickening sense of futility as I watch the tragedy of Biafra unfolding day by day. While I sympathize with the position the Government is in—it does not want to risk getting involved in a war with the Nigerians—it is my view, nevertheless, that there must be something more that we could have done in the supplying of food and the generation of sufficient international pressure to stop the genocide which is going on in that unhappy land at the present time.

For years Canada has encouraged self-determination, and has supported the rights of minorities. Yet, in this case we have let the legal fiction that we cannot interfere in the

affairs of a Commonwealth partner prevent any effective action. If the butchers of Nigeria are the kind of Commonwealth partners we have to live with, then the sooner we break our ties with that particular member, the better.

I would like also to join with Senator O'Leary (Carleton) in what he had to say about the role of the bureaucrats in relation to the functioning of a democratic society. He was absolutely right when he said that many of the members of Ottawa's so-called Establishment, and a lot of lesser lights who have not quite reached the inner council of that self-perpetuating circle, are acting as if they were the Government rather than the people's elected representatives, and members of Parliament have long suffered at their hands. It is true that we have many able and dedicated men and women in our Public Service, but along with them there is far too large a number of low-grade time-servers whose productivity is low and whose attitude towards the people they serve is quite the reverse of master and servant.

Over the years we have built up a vast self-perpetuating bureaucracy from one end of this country to the other, and there is a vast and growing resentment against the faceless men who in their own good time make decisions which fly in the face of knowledge, equity and justice, and sometimes in the face of the statutes of this country.

One of the announcements I was pleased to hear the Prime Minister make after he announced his Government was that he intended to enlarge the Cabinet and provide its members with elected parliamentary assistants so that the men who hold the political responsibilities from the people would make the political decisions affecting the people. What has grown up in Ottawa over the years has been rule by a group of men who think they have a divine right to rule.

Hon. Mr. Walker: Hear, hear.

Hon. Mr. Cameron: Some of these people have on more than one occasion told members of the Cabinet, not to mention ordinary members of Parliament and senators, what they could and could not do. Sometimes these civil servants may have been right and the elected representatives wrong, but we have in our democratic way of life a system of checks and balances whereby if a member of Parliament makes mistakes the electorate can deal with him at the next election, while it is practically impossible to fire a civil servant under our present rules. Though I would not like to revert to a patronage system, it is my judgment that we have gone too far in providing built-in security for the incompetent and the would-be little Hitlers.

While I am on the subject, let me say that when we passed the act providing for collective bargaining in the Public Service some 18 months ago I opposed then, and will oppose today, the inclusion in the legislation of the right to strike in the Public Service. We must go further than that and deny the right to strike, except under the most carefully prescribed conditions, in any of the essential public services. We have had enough of the anarchy of the longshoremen, the seaway workers, the postal workers, the Air Canada mechanics and the grain handlers. At the same time, the Parliament of Canada has a responsibility to see that equity and justice are done to these men. We must be concerned with setting up machinery to make sure that they do get equity and justice, but the establishment of that kind of machinery will be the subject of another discussion at another time.

However, again we come back to the faceless men who run Canada, the men who for years ignored the legitimate grievances of the postal workers until they were goaded to strike out of sheer frustration. I live in a company town, or I should say in a government town. When I say "company town", you know the kind of authoritarian rule I am equating it with. It is no accident that the citizens of my government town refer to the administrative headquarters of the government there as "the Kremlin," because that description fits all too aptly.

Here I do not want to criticize the local administrators who are on the job, because if they were given the power and if the citizens were given some responsibility for their own welfare, much of the antagonism towards the Government would be abated; but no, all of the decisions have to be made in Ottawa—by people 2,000 miles away.

What is true of my town is true of all of those people who have to deal with that particular segment of our so-called public servants. As a matter of fact, one of the most useful things the Senate could do would be to set up a committee to examine the whole structure, organization, authority and productivity of the public service. When all of the main decisions have to be made in Ottawa—by people living 2,000 miles away—we find

ourselves in the position where public servants are, if not making the law, at least interpreting it in the way they see fit, regardless of whether or not their decisions adversely affect the lives of the people. What is true of my town is true for all of the people who have to deal with that particular segment of our public service.

Let us not be under any illusions that this is the situation particularly peculiar to the federal service. The same tendency to authoritarian rule is present in the provincial civil service—as a voluminous correspondence over the treatment of the settlers in the land being flooded under the Columbia River Treaty can testify.

The time is long overdue for the appointment of an effective ombudsman—perhaps not one, but many—to protect the rights of the people. As a matter of fact, the appointment of a Senate committee such as I suggest is long overdue.

Honourable senators, my next remarks deal with something of concern to all Canadians, the student revolt and its implications for Canada. For the next few moments I would like to turn my attention to one of the many problems facing the people of Canada in common with those of other countries, namely, the Student Revolt.

As we pick up our papers we see the headlines: Newfie High School Students on Strike; Students Evicted from the Sorbonne; Students Occupy Columbia University; Students Riot at Berkeley; Students insist on Right to Appoint Dean of Arts at U.B.C.; Students Threaten to Burn Down Universities; and in the *Financial Post* of September 14—Campus Revolt, McGill Leaders Analyze Causes; and in today's news broadcast—Army Occupies University of Mexico. And so it goes on.

I have the *Financial Post* story on McGill, and I am sorry to say that it suffers some weakness of condensation. It may not be fair to the authors, but from what I have read in that report there is nothing new and the solutions are not adequately put forward.

From what I have said it is evident that the student unrest is practically universal and it might be well to examine, if we can, some of the causes of this unrest. In trying to find some answers which might be at the basis of this climate of unrest we may start with the following points.

First: the idealism and enthusiasm which is typical of youth during the high school and university period finds it hard to adapt to the realities of a world in which conditions are far from ideal.

Second: the student sees around him pockets of squalor and misery in every community whether it be urban or rural, but particularly in the former. He sees unemployment and undernourishment in a country which should have neither. He sees and talks and reads about the affluent society and he sees so many thousands of people whom the "affluence" has passed by.

Third: on the international scene he sees Canada and other countries standing helplessly by as a country which five short years ago was held up as a model of democracy in black Africa, Nigeria, trying to exterminate a race of 14 million people, the Ibos. At the same time he knows that the Nigerian Government is being supplied with arms to carry out the extermination project by those two pillars of international probity, the United Kingdom and the U.S.S.R. He is aware of the continuing horror of Vietnam. All of these things, regardless of what justifications may be made for them, make a mockery of our protestations of Christian idealism. He sees the continuing battle between management and labour in which a few men, whether it be on the side of management or on the side of labour, by their actions and decisions can tie up and adversely affect the welfare of a nation of 20 million people.

Therefore, when you see the picture from the student's eye-view it is small wonder that he becomes disillusioned with the results of our democratic society whose roots are supposed to be nurtured in the halls of learning. Saying this is not to justify or condone the extremism of many of the irresponsible and even dangerous advocates of student power, one of the most meaningless phrases in the lexicon of modern journalese.

One may well ask, why should there be revolt on the Canadian campuses and how long will it continue? There are some who think this will be a passing phrase which might fade out in a few weeks or months. I think that those who feel this way are wishful thinkers. The student revolt is only one aspect of a growing and universal demand for change in directions, purposes and directives of our society. But, to confine the discussions to the university campuses themselves, what are the justifications for the student disillusionment, if any? They might be summed up as follows:

The appointment by provincial governments to the boards of governors of people

who, regardless of their own individual integrity and professional competence, are, in general, dedicated to the preservation of the status quo in a time when the status quo thinking is obviously not good enough.

In a television address the other day, Mr. Loney, President elect of the Canadian Union of Students, referring specifically to the Board of Governors of one of Canada's newest universities, Simon Fraser, said: "Who are the Board of Governors who are setting the policies and running this institution?" And he answered himself by saying: "A collection of lawyers and businessmen who know nothing about education." The fact that some of these lawyers and businessmen have been very successful in their own professions does not count with Mr. Loney. In the same speech, the same Mr. Loney went on to say, "We will take over the Administration Building;"—here he was referring to Simon Fraser —"we will occupy the building, we will close it down."

At the recent meeting of the Canadian Union of Students at the University of Guelph, the current President of the Union, Mr. Warrian, of the Ryerson Institute in Toronto, stated publicly: "Student power will take over the universities; we will wreck them or we will burn them down."

Now, these are the officially elected representatives of Canadian university students. What these people represent is not legitimate social change, but anarchy. These people have moved in on the campuses of our universities as a well organized, well disciplined and thoroughly indoctrinated revolutionary group. To those of us who know university students, we know that these people do not represent the thinking of the average student, nor the majority of university students. They are a dissonant and revolutionary minority who have been able to achieve their positions of power by a dedicated and ruthless utilization of the commando techniques common to revolutionists everywhere. These are the people who would run our universities.

One might very well ask, what qualifications have Mr. Loney or Mr. Warrian, or those members of the student body and the faculty who think and act like them, to determine what the curriculum of a university must be? What qualifications are required to teach in a university? One might ask them, what are their qualifications to raise the funds necessary to operate multi-million dollar businesses? What qualifications have they to administer the expenditure of these funds and what qualifications have they to select the deans and presidents of the universities? The answer is obvious.

Here I want to say a word or two about the situation on university faculties. Because of the explosion in university enrolments in the past five years, university administrators have been desperate to get the staff necessary to man the classrooms. As one university professor I know well said to me not long ago: "After advertising for staff I get the application and then I finally get to see the man when he is sitting across the desk from me, and I reach over and touch him and, if he is warm, we hire him."

The result is that university administrations have searched far and wide but have been unable to find enough faculty members with the qualifications of personality, integrity, training and ability to communicate, the qualifications that are necessary to do an effective job. The result is that in many classrooms today we have people teaching who have the most minimal qualifications for their responsibilities. This is especially true in those undisciplined disciplines of sociology, social psychology and some of the arts. These are the areas whence come "the intellectual hippies" of our universities—the people who come to their classrooms in filthy, turtlenecked sweaters, tattered, sloppy and dirty clothes. These are the faculty members who along with the student power activists are encouraging the confrontation with the administrations. These are the people who, having no pride in themselves, cannot be expected to inspire pride in their students. These are the people who are undermining standards of conduct and morality on our university campuses and in our communities.

And here I would ask the privilege of putting on the record, as an example of what these people stand for, an article which originated in the United States from an American professor of English, has had wide circulation on Canadian campuses and is being included in the indoctrination information being sent out by the students' councils of at least some of our leading Canadian universities. To my knowledge it was distributed at the University of British Columbia where I have a daughter as a student, and at the University of Western Ontario where my friend Norman Campbell of the *Ottawa Citizen* has a daughter enrolled. Moreover, I have it on the authority of one of my colleagues, Senator Sullivan, who is on the Board of Governors of

the University of Toronto, that it was circulated there. I am confident that it is circulating on many other campuses as well.

This article, which is entitled "The Student As Nigger", was reprinted in *The U.B.C.*, the official publication of the Students' Council of the University of British Columbia. It is important to note, however, that this document is being printed and distributed under authority of the Canadian Union of Students, the official national organization representing the 252,700 full-time and the 113,000 part-time students of our Canadian universities.

In asking that this be put on the record I do so with some misgivings, because it is probably the worst piece of writing in a moral sense that has ever gone into a Senate *Hansard*. My justification for asking that it be put on the record is that few people realize the quality and the standards of the people who have succeeded in being elected as the official spokesmen of the 365,000 students enrolled in our universities this year.

I am not sure, Mr. Speaker, just how this article should be handled. It is a rather shocking document, and it may be that you would like to appoint a committee to review it before it is included in *Hansard*, but the reason that I ask that it be included in our official record is that it is endorsed by the officers or officials of the 365,000 Canadian university students today. It is being included in the literature being sent out to welcome students to the campus and to give them a feeling of being a part of the campus; but I am sure from my knowledge of students that it does not represent the feeling of typical Canadian students, and I am certain it does not represent the mores and desires of the Canadian people. I think it will come as a shock to a lot of people to realize that this is the kind of material, in effect subversive material, that is being distributed today—and when I use the word "subversive" I am not speaking of it in an idealogical sense. We cannot dismiss this kind of suppurating sore in our body politic as something that is confined to a few neurotic and anarchistic individuals and which will in time dry up and disappear. We must carefully examine the bases of complaint against both faculties and administrations.

What are the complaints? They are:

1. That the student is treated as a "nigger", that he is segregated as on a reserve, and that he has no rights and no opportunity of self-expression.

2. That the relation between faculty and student is that of master and slave.

3. That faculty members are authoritarian; than they are divorced from reality; that they are incompetent; that they are cringing cowards afraid to face economic, political and moral issues; that they are content to teach by rote material that is often outdated, irrelevant and immaterial, and that they even do this badly.

4. That the university has not defined its goals and purposes for education. Education for what?

5. That university administrators and boards of governors are incompetent dullards who have no knowledge of where they are going or how to get there.

6. That there is either no or too few student representation on boards of governors, university senates or teaching faculties.

There is much more, of course, but the foregoing enumeration of points in the main represent the major criticisms made by the student activists and faculty representatives.

Let us take some of these points in order and see what the answers might be. First, that the student is treated as a "nigger", that he is segregated as on a reservation and that he has no rights and no opportunity for self-expression.

This is just utter nonsense, particularly on Canadian campuses. Indeed, this is a carry-over from the racially tense American campuses. The student, by virtue of the fact that he has earned admission to an academic community, has rights and opportunities if he has the wit and the energy to use them. Every university administration has made provision for countless organizations under student government to cater to the extra-curricular needs and interests of all students. Every university has made provision for its student body to publish its own newspaper. They have done so, and in many cases these papers have gone so far as to interpret freedom as licence. They have their debating societies and parliamentary forums in which they can discuss any subject they wish, even to that of abolishing universities or condemning faculties. The students have these rights and freedoms now, but where they have fallen down is through sheer inertia or lack of interest. Go to the average university student association meeting and see how many students are there. It is a small percentage, and that is why the well-organized boys take over. Students have not been willing to participate. If students had overcome their inertia and had been willing

to participate, I am sure many of the so-called "elected" spokesmen of Canadian university students would not be the official spokesmen today.

In many universities today the students do have representation on the faculty councils, on the senate and even on the board of governors, albeit this is a new venture in many universities.

The second point was that of the master and slave relationship. While there may be a few academics today who possess this attitude, their numbers are so small as to be insignificant. In the main this is just emotional and inflammatory garbage.

Third, that faculty members are authoritarian; that they are divorced from reality; that they are incompetent; that they are cringing cowards afraid to face economic, political and moral issues; that they are content to teach by rote material that is often outdated, immaterial and irrelevant.

Like all generalizations, this has a grain of truth in it. Some university professors are authoritarian, not always because they want to be for the sake of authoritarianism, but because they have a respect for themselves and the discipline they are teaching and they insist that the student not waste his and other people's time.

Some professors are divorced from reality because they are trying to perpetuate the ancient tradition that the university is a cloistered retreat for scholars sheltered from the storms of a turbulent world. The university should be a retreat for scholars, where men of intelligence and depth of understanding should have the opportunity to examine the goals of education and how they may be translated into effective reality. But where some faculty members make a mistake is that they ignore their responsibility to communicate with their students and with society. And the public at large is in part responsible for this. We have rightly been putting an increasing emphasis on research, and this is vitally important in our technological and rapidly changing society. But in some cases we have our priorities inverted. Instead of the main emphasis being on research and then teaching, it should be the other way round. Our first responsibility should be on teaching and communicating, always remembering that communication to be effective must be a two-way street, and then research—and it should be emphasized that properly integrated and planned research is the element that can make teaching vital and alive.

Yes, there are some incompetents on university faculties as there are in other professions. We make no apology for them, but the public itself would be the first to scream if we closed the classrooms and did not provide the opportunity for their sons and daughters to go to school.

If we must make a choice, it is probably better to risk employing a few incompetents in order that our students may be exposed to the disciplines and intellectual challenges involved rather than deprive them of the opportunity of attending university at all.

That some university professors are intellectual and moral cowards, is also true. Too many of them are not prepared to stand up and be counted on the great issues of our day. Too many are too security-conscious to be willing to risk their comfort and security, and in this respect they are fairly typical of the society of which they are a part.

That they teach by rote material that is out of date, immaterial and irrelevant, is also true of some—possibly too many—and there is no question but that university teaching methods could stand a lot of overhauling today. In fairness I must say that this process is constantly going on and it is exercising some of the most stimulating minds in the educational world at the present time.

Fourth, university goals and purposes: Here we can get into a long and often fruitless discussion but it may be that our universities should carefully study, assess and decide what the goals should be in the kind of world we are living in today. These are philosophical concepts but there is a need to communicate them to our citizens and taxpayers so that they know what those goals are. Not long ago I was present at a meeting at the University of Saskatchewan where much time was spent in discussion as to whether there was a philosophical basis for science or a scientific basis for philosophy. So you can see where we are going there.

Fifth, that university administrators and boards of governors are incompetent dullards who do not know where they are going or how to get there. To begin with, the great majority of the membership on university boards of governors are university graduates* and professional men elected or appointed to these positions because of their knowledge of their own particular disciplines. Many of them have not one degree but several degrees. Others are usually leaders from labour, management, the churches and the community at large.

*See Explanation, P. 120

In general, I think the criticism that there should be more representation from students and faculty on our Senate and boards of governors is valid. There would be no harm and great advantage in having more students and more faculty sit on these bodies. If they did and they became acquainted with the tedious, time-consuming effort that is put into the work of these bodies by busy people on an entirely non-remunerative basis, they might change their minds and they would not talk so much twaddle and nonsense.

The university administrations have failed to do an adequate job of communication, and greater student faculty representation would be one way to help the communicative process.

A start in reviewing university government was made with the publication two years ago of the Duff-Berdahl Report. This report encouraged more student and faculty representation and these recommendations are being implemented with a fair degree of rapidity by university boards of governors.

I wish to quote from a brief paragraph in the publication *University Affairs*, Volume 9, No. 3, February 1968. This defines who the authors of the Duff-Berdahl Report were, Sir James Duff and Professor Robert O. Berdahl. It says:

> Sir James Duff, Professor Robert O. Berdahl and a large audience of those interested in university government met in Toronto last October to look back on changes in government since the Duff-Berdahl Report. Only the students looked back in anger. Most participants agreed with Sir James Duff that "the walls of Jericho have fallen with one gentle blast of the Duff-Berdahl trumpet."...because they were ready to fall.

In other words, what he is saying is that university administrations had neglected to pay enough attention to the role of students in university administrative government for all too long. This is one of the reasons we are having the backfire today from the students and from the faculties. But I can assure you that every university in Canada is vitally concerned with the recommendations in that report and they are trying to implement those recommendations and trying to examine the problems that lie at the root of student discontent.

Then there is the question of too little faculty-student representation. This bone of contention was dealt with in the Duff-Berdahl Report and the situation is improving. I have been a member of the Senate of the University of Alberta since 1936, and I am sure there are other honourable senators who are on the senates of other universities. Along with Mount Allison University, we have had student representation on our Senate and Board of Governors and through our alumni for many years. I think there are now eight other universities in that situation, and 11 more are in the process of getting student representation on the board. I am not sufficiently naive to think that this student representation is suddenly going to revolutionize procedures of the Board of Governors or the Senate, but I think they will learn much by sitting in and finding out what goes on. If they do their job properly they will be able to communicate back to their student bodies. There are some valid reasons for the student discontent, and the universities are beginning to take notice of them.

University education is big business. There are 365,000 full-time and part-time students enrolled in Canadian universities at the present time, and to teach these we employ 19,800 faculty members and teachers. The cost of these services to the Canadian people for the year 1968-69 is $1,455 million. From that fact it is clear there is some justification for having people on our boards of governors, senates and university administrations who have some idea of what is entailed in raising a sum of practically $1½ billion and what it takes to spend this money effectively and constructively. I see no reason why students cannot be brought into this picture at the earliest possible date so that they will see the picture and pass it on to their colleagues in the student bodies.

I want to conclude by reading part of a paragraph from an address given by my good friend the President of the University of Alberta, Dr. Walter Johns, at Waterloo Lutheran University on May 20. Dr. Johns was a professor of Classics. He went from there to the position as president of the university with what I think it would be fair to say was a relatively little background of business experience, but he has been able to develop a rapport with the business community that is almost ideal. I am quoting now from part of his address where he says:

> Speaking for my own generation, and especially for those of us in universities, I would agree that we are in serious need of reform. Our professors, in their desire to master one facet of science or scholarship, and thus to impress their fellows,

have developed a combination of myopia and tunnel-vision.

They have made research into an academic religion and have branded the colleagues who devote the major portion of their time and energies to undergraduate teaching, as some kind of amiable heretics.

Of course we need research scientists in our universisites, or we shall never learn to compete in this hyper-sophisticated world of ours, but we also need, and must recognize, the virtues of the man of broad vision and wisdom and understanding of his fellowmen, and particularly of the neophytes in the academic community who look to him for guidance. The situation is serious in the natural sciences where the objective seems to be to have no undergraduate courses, and only a few Ph.D. candidates and Post-doctoral students under one's wing. Utopia is, of course, achieved in the research professorship with no students at all, unlimited research grants, laboratory space, and technicians, and travel grants to attend international conferences.

It is even more serious when scholars in the social sciences and the humanities become imbued with this attitude and completely forsake the world of students and of teaching. I know this point of view is open to dispute, and I know that many great philosophers and even some scientists have been recluses, but let me remind you that Jesus, Socrates, Sir Isaac Newton, and Albert Einstein were in constant communication with their fellows while their greatest work was being done. You may remember the Greek myth which tells of the battle between Hercules and Antaeus, the giant son of Gaea (the earth). So long as Antaeus kept in touch with mother earth, or kept his foot on the ground as we might say, he was invincible, but as soon as he lost touch his strength deserted him and he was overcome by Hercules. I cannot help feeling that when our professors lose touch with their students they become not only lesser men, but lesser scientists and scholars. The secret, of course, is in keeping one's balance properly, as the white knight said to Alice, and we of the older generation in the universities must never forget it.

Honourable senators, that is the conclusion of my address. Once again, I ask for your consent to have included as an appendix this document entitled, "The Student as Nigger."

DOCUMENT PRINTED AS APPENDIX—PRIVILEGE

[*Later:*]

Hon. Mr. Cameron: Mr. Speaker I rise on a question of privilege. I need direction as to whether I may have this document printed as an appendix to today's proceedings. I did not read from the document at all, but I should like to include it as supplementary material because I think much of it is important and relevant to the debate.

Hon. Mr. Isnor: What purpose would it serve?

Hon. Mr. Cameron: I believe it would enable many people to understand how serious the situation is, and to know the standing of those acting as spokesmen for these Canadian students today.

The Hon. the Speaker: Honourable senators, the document in question was not read by Senator Cameron when he had the floor. In my opinion, to follow his proposal would be in principle against the strict rules of this house. However, there are different ways of examining the problem. I could reserve my judgment until I have had an opportunity to read the document. On the other hand, honourable senators are masters of their own rules, and if they agree that leave should be given to Senator Cameron to include this document in our record, it could appear as an appendix to *Hansard*.

Before making a final decision I should like to hear from other honourable senators.

Hon. Arthur W. Roebuck: Mr. Speaker, this question has arisen many times, and I think it has been the custom that when a senator believes it would be a public advantage to put something on the record we have almost always accommodated him. There is nothing in the rules to prevent us from doing so. The honourable senator who made the request on this occasion is a responsible senator who knows thoroughly the subject he has discussed, and he asked during his address for the privilege of placing this material on the record. I remember voicing my opinion at the time that it was all right for him to do so and I submit to you, sir, and to the house, that there is no earthly reason why we should not accommodate him in this way.

Hon. Jacques Flynn: Honourable senators, I have no objection to that course being followed on this occasion. However, I would point out that in the past we have only reluctantly followed this practice, and if it should become unduly frequent, I reserve the right to raise objection. For the time being, and in the present case, I am in agreement.

Hon. Mr. Cameron: I would be quite happy to adopt your suggestion, Mr. Speaker, that you read the document and then make a decision.

Hon. Mr. Flynn: We might as well decide to do it now rather than leave the responsibility with the Speaker.

The Hon. the Speaker: Leave has been asked by Senator Cameron that the document to which he referred should appear as an appendix to *Hansard*. Is it the pleasure of honourable senators that this be done?

Hon. John M. Macdonald: Honourable senators, I do not think the document should appear as an appendix. It should appear in Senator Cameron's speech in the appropriate place, as if he had read it.

Hon. John J. Connolly: Honourable senators, I think the normal course ought to be followed, that the material appear as an appendix to *Hansard*. I do not think it makes very much difference, but since it was not a part of Senator Cameron's speech it should not be in the corpus of his remarks. Since he says that the document is germane to the point he was discussing during his speech, I think he is entitled to ask that this be done. Obviously, honourable senators are unanimously agreed that this should be done, but to follow Senator Macdonald's (Cape Breton) suggestion of incorporating it in the speech might create a very bad precedent. I think we would be wise to adopt the precedent of having such material included as an appendix.

The Hon. the Speaker: Is it agreed that, by leave of honourable senators, this document shall appear as an appendix to *Hansard*?

Hon. Senators: Agreed.

The Hon. the Speaker: It is so ordered.

(For text of document see appendix, pp. 80-84.)

SCIENCE POLICY

SPECIAL COMMITTEE—CHANGE IN MEMBERSHIP

Leave having been given to revert to Motions:

Hon. Maurice Lamontagne, with leave of the Senate, moved:

> That the name of the Honourable Senator Robichaud be substituted for that of the Honourable Senator Argue on the list of senators appointed to serve on the Special Committee on Science Policy.

He said: Honourable senators, this change in membership is made necessary because of the unavoidable absence for some time of Senator Argue.

Hon. Mr. Martin: Honourable senators, may I just point out what I am sure Senator Lamontagne forgot to mention, that the unavoidable absence of Senator Argue is due to the very serious illness of his wife.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

Having reverted to the Orders of the Day:

The Senate resumed consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes, for an address in reply thereto.

Hon. Frank C. Welch: Honourable senators, I wish to congratulate all those who have received appointments to this chamber during the last few weeks. I am looking forward to being able to meet them all personally.

It is good to be back again after the summer vacation and to renew old friendships. Now that the pomp and splendor of the opening of the Twenty-Eighth Parliament is over and written into the history of Canada, Parliament is once again down to the business of governing this great nation and doing its best to solve or to try to solve the problems facing Canada at this time, the beginning of the second century of Confederation.

Speaking of problems, in the past months they have not lessened but, in my opinion,

have increased. As His Excellency the Governor General said in his opening remarks on Thursday, September 12:

> Across the land there are great expectations of what this Parliament will produce.

This, in my view, is perhaps the only statement which really made any sense, as, in the final analysis, the Speech told us very little that we did not already know.

I must admit that I was considerably disillusioned by the Speech from the Throne, as many of the propositions are holdovers from the last session. In short, there is nothing new in it for Canadians. It leaves the public in the same disillusioned state of mind.

During his campaign, the Prime Minister led the public to believe that he had all the answers, if only he were elected. Some days ago he made the statement that he was "no Santa Claus." Canadians are not looking for a Santa Claus; they only want an opportunity to make a living, in the promised "just society."

Many aspects of the Throne Speech are vague, especially those dealing with the just society, and possibly the Right Honourable John Diefenbaker had the right answer when he said, "A just society, just for the Grits!"

Do the dozen or so recent appointments represent a sample of the just society? I cannot help but dwell on this subject of appointments for a moment, as an extremely large number of unsuccessful candidates of the party presently in power have been appointed to some rather posh positions, some with salaries less than that of a member of Parliament, and many with higher salaries. I also note that, among the appointments to official government positions, no unsuccessful Conservative candidates—many of whom, you realize, have outstanding qualities and abilities—have been named.

Some rather impressive positions have been handed out, with equally impressive salaries. For example, the former member of Parliament for Hamilton West has been appointed to the Canadian Transportation Commission at an annual salary of $24,000. The former member of Parliament for Kootenay East, who did not run during the last campaign, has been appointed to the Immigration Appeal Board at a salary of $19,000 per year. The former Veterans Affairs Minister, who lost his seat in St. Boniface, has been appointed to the Canadian Pension Commission at a salary of $18,500 per year. Other defeated and unsuccessful Liberals have received appointments to fairly choice government positions, and all at substantial salaries. Such appointments, plus their pensions, perhaps make the statement of the Right Honourable John Diefenbaker, "A just society, just for the Grits", not too far from the truth.

In view of this I would like to state for the record, and to be used as a guide for the future, that any Government in power, regardless of political affiliation, should take into consideration the services rendered to the Government and to Canada by any politician, and should reward him according to his abilities and not his party affiliation. Honourable senators, many of you will agree with me that even in the Senate, party representation is terribly one-sided, and if Prime Minister Trudeau wishes to show that he is really sincere in his promise of a just society, he should demonstrate it by appointing persons affiliated to the Opposition.

I would like to make a few comments regarding the proposed increase in postal rates, as outlined by the Postmaster General, which will be coming up for debate in this session of Parliament. I would like to express the view that the postal strike was unnecessary, and that the blame lies in the lap of the former Government, firstly, for giving Public Service employees the right to strike, and, secondly, because of the laxness of the Prime Minister in allowing it to continue, as he did. I know that from my area telegrams were sent to the Prime Minister by merchants, associations and Boards of Trade, asking him to do everything possible to end the strike, as it was seriously affecting the small businessman, more so than the individual. As was anticipated, all replies were answered in the Prime Minister's casual way.

With the strike finally settled, it was a foregone conclusion that the public would have to pay for salary increases, and before we know it contract bargaining time will be here again with workers still demanding salary increases. Will this again cause postal rates to go up? Naturally, the Postmaster General will not cross that bridge until he comes to it.

The public has no choice if rates increase, and in all probability might not object if it means improved services, but the elimination of a Saturday delivery as suggested by the Postmaster General does not in my mind improve services. He has not made it clear whether this will be the case in small town

post offices, such as that in my town of Wolfville, or simply in locations with delivery services. If this is so, then I deem it unfair to those living in cities and in small towns, because businessmen in small towns depend as much on Saturday's mail as they do mail through the week. If operations are to be increased by this move in all places across Canada, and not only in the cities, then I am in favour of it, as over the years the quality of postal service has not improved to any marked degree. In many towns the more the staff the less efficient the service becomes.

Postal increases are a further blow to the small weekly newspaper publisher who must, if he wishes to stay in business, pass the increase on to the public. This, however, may have its bright side. One newspaper advertising manager suggested to me that since postal increases have been announced it may improve newspaper advertising sales as firms who use flyers, and get less than 50 per cent of them into the homes, may turn once again to the newspapers to bridge the postal gap. I have very little sympathy, however, for the direct mail type of advertising with which we are bombarded daily. This system has become a nuisance.

If the Government railroads the postal increase through the Commons by November simply to cash in on the Christmas mailing, then there will indeed be no Santa Claus. When I was home last week a friend said to me: "If this happens, don't be surprised if you receive my Christmas card in October," and with a laugh he added: "After all, doesn't the post office always insist that people mail early."

Honourable senators, if you will permit me a few further remarks on postal service, I would ask: What about the mail drivers who were under contract with the Government to deliver mail to rural boxes? Why were they not paid during the mail strike? They should have been paid, as it was no falt of theirs that they were out of work.

My final observation is that if the Postmaster General seeks over a two-year period to change the current deficit into an annual profit of $8 million to $10 million, and make the Post Office a more businesslike operation, I would strongly suggest that something be done with the deficit incurred by the Canadian Broadcasting Corporation, thereby saving some real money.

In the Speech from the Throne I see no mention of giving any assistance to our forgotten neighbours, the West Indies. We are giving millions of dollars in aid to other countries, but none to the West Indies, the most deserving place of all. Whatever happened to the promises of aid to them? I remember that the former Prime Minister, Mr. Pearson, when campaigning in the Atlantic provinces in 1963, said that the Liberals would launch a mammoth drive along the lines of the Colombo Plan for the Islands. Were these simply campaign promises? Nothing really has been done since 1957 when the Diefenbaker government launched a $10 million program for expansion over a five-year period.

The Caribbean Plan can be best described in the following editorial appearing in the issue of the Montreal *Star* of September 11, 1968:

> It is five years since any Caribbean leader told us off so bluntly as Prime Minister Shearer of Jamaica did the other day. Stop the lip service, he said; cut out the vague platitudes; assume the leadership expected of us in "Canada's sphere of influence." "The pity is that in the islands there remains ample ground for such feeling so long after Prime Minister Barrow of Barbados charged, "with dismay and despondency," that we had "failed miserably" in our attitude toward the emerging people there.
>
> Time after time regional leaders have told us their eyes are set on Ottawa for far more than aid...They want freer trade, particularly a profitable outlook for the sugar which we buy now at less than cost and at half the price paid by the United Kingdom and United States. And they are still waiting for positive development of the bright new day in relationships promised by Canadians at the Caribbean-Canadian Conference of 1966. Even the Conference has not been repeated, though it was to be succeeded by a second within a year.

The editorial continues—and here I will not quote, but simply cite the highlights—that if one recalls the 1966 conference, he will remember that about the only thing to come out of it was an inter-island broadcasting system for which Ottawa offered to underwrite most of the capital cost, but not the operating costs. But Ottawa was surprised because no one from the islands was happy with the idea, considering it was not on the program but just something pulled out of the hat by Canada's Prime Minister. Honourable senators, we must do something to help these people by increasing trade.

Honourable senators, I know time does not permit me to comment on everything in the Throne Speech, but I do feel the Government made a grave mistake when they put the axe to the winter works program which so many of the provinces relied upon. Some locations, according to the press, are in favour of scratching the plan, while others want it kept, but all seem to be unanimous in criticizing the timing and suddenness of it. Its elimination does little to help unemployment which already is at a high peak. A cross-country sampling of remarks are as follows:

Gerald Gallagher, business manager of the International Labor Union's 3,500-member Toronto local said: "This arbitrary decision will cause grievous hardship to great numbers of our men across Canada."

The Canadian Federation of Mayors and Municipalities are demanding the program be replaced.

Mayor William Adams, of St. John's, Newfoundland, said it will mean a loss to his city of about $140,000 and some projects in the planning stages must be scrapped.

The Province of Nova Scotia will try to continue its own program. In New Brunswick, 17 winter works projects last year paid workers $459,000 for 26,000 man-hours.

The City of Toronto stands to lose $1,500,000, and has asked the Government for alternatives to keep unemployment down.

Windsor will lose $416,913.00.

And so it goes, and our Prime Minister calls it a just society, and also calls for every Canadian to measure up to his capabilities and opportunities. I ask: How can this be done under such conditions?

I might also make a brief observation on the overhaul of the rules of Parliament. The Throne Speech indicates:

> In order that Parliamentary institutions may retain the confidence of the people, and in order that they may cope successfully with the vast scope and complexity of government today, it is essential that provision be made for legislative machinery that can act speedily... My Government accords the greatest importance to parliamentary reform—

I trust that by this the Prime Minister is not intending to go back to the days of rubber stamp parliaments, nor to the days of C. D. Howe who said: "What's a million?" I suppose today this should be updated to: What's a billion?

I have a suspicion that Canada is on the way to creeping republicanism. I object strongly to no reference being made in the Throne Speech to the Queen and the Commonwealth for the first time, I think I am safe in saying, since Confederation. This seems to be the gradual decline of symbols binding us to Britain and the Commonwealth.

An official languages bill has its good points as well as its bad. It is true that we gain something by knowing a second language and I do not wish to cause a tempest in a teapot, but language is a two-way street, to be used by both English and French alike. I was told of a tourist from Quebec arriving in my town this summer and being highly annoyed because the residents could not speak his language. Another person once said to me: "I would like to be able to speak a second language but how can I learn when there is no one to talk with, and only one radio station in Moncton to listen to?"

In a way this bill is a mystery to me. Will it mean that all federal employees are expected to be bilingual? What of the individual who is unable to learn? In a great many cases this is so.

Section 10 of the Bilingual and Bicultural Commission recommendations states:

> We recommend that the right of Canadian parents to have their children educated in the official language of their choice be recognized in the educational systems, and the degree of implementation is to depend on the concentration of the minority population.

According to this there is a direct violation of the rights of English-speaking pupils in St. Leonard, Montreal.

In closing I wish to state that the people of Canada know no more about the Government plans now than they did during the election campaign. There is no mention made of curbing the high cost of living; no mention is made of economic development or the anti-poverty campaign, housing and other matters. In fact, Canadians are waiting to see what they have bought with their votes.

Hon. Donald Allan McLean: Honourable senators, since this is the first time I have had the privilege in speaking in this or any other parliamentary chamber I humbly ask your indulgence.

First let me congratulate you, Mr. Speaker, on your appointment. I should also like to congratulate the new Leader of the Government (Hon. Mr. Martin), who comes to this

chamber from the other house with a world of experience in public life. I know that Senator Paul Martin will give this chamber great leadership; he is a hard worker and an outstanding statesman.

Let me also congratulate the six new senators who joined this Senate last Thursday, September 12. I will not attempt to elaborate on any of these men because I have not the ability to display the eloquence shown by Senator John Connolly and others, including Senator Phillips (Rigaud), who gave such a powerful performance in moving the Address in reply to the Speech from the Throne.

I do not intend to list all the important parts of the Speech from the Throne. After highlighting the legislative program dealing initially with the importance of parliamentary rules and procedures, the Speech refers to measures to protect farmers and fishermen, and incentives for oil and gas production, and it is to this that I wish to refer.

Honourable senators, fisheries is the point I should like to base my remarks upon, and I will speak first on the general fishing industry on the east coast. However, I want to base most of my remarks on the herring fisheries in the Bay of Fundy, from Trinity Ledge at the mouth of the Bay of Fundy and all the way up the shores and islands of the Bay of Fundy. Although I have been associated with the fishing industry for nearly forty years, I often have the feeling that I know as much now about the fishing industry as I did when I first started.

In view of the knowledge we appear to have regarding most of the supplies of food, it seems amazing that even now scientists still have few definite answers to the problems arising from the growth of population, and particularly methods of conservation required for all types of fish.

The most important nutrition that we have today and will have in the future is the supply of good quality protein, or, in practice, animal protein. As our knowledge of nutriton goes, there are two fundamental principles of diet which stand out, and these are the importance of, first, a well-mixed diet and, second, of animal protein and plant oils.

There is no question or argument that fish in its many forms is perhaps one of the most valuable foods from the point of view of good protein. This makes the present situation in which our fisheries are placed most difficult to understand. Unlike many other industries, we have been divorced from government assistance for many years, yet here we are in the last two years with several sections of the industry at our doorstep in Ottawa crying out for subsidies and other financial props. There has, of course, been a rapid expansion of the fishing capabilities due to encouragement of the building of larger and more efficient fish-catching vessels.

Unfortunately, the other traditional fishing nations had also been encouraging their fishermen to go out and catch more fish, with the United States being the original market for fish blocks to be further processed into fish sticks and fish portions. This was the classic example of overproduction with a limited market. As a result, there was a collapse on pricing and other marketing problems, and much of the industry is in financial distress at the present time.

As is the case in situations such as this, we have the usual cry for more studies to be made to tell industry where they went wrong.

On the other hand, we have Parkinson's Law again proving itself, whereby even though the industry is searching for more efficient methods to cut its costs and increase its returns to survive, the budget of our Department of Fisheries has doubled in the last few years to over $50 million for 1968-69.

Obviously a cold, hard look has to be taken at the direction in which this department is heading. No doubt many of its divisions are performing necessary functions, but it would appear that some positive direction must be taken to stimulate demand at the consumer level.

There is no question that the average housewife on the North American continent remains uneducated when it comes to her knowledge of the use of fish. There has been a barrier built up against our products over the years which has to be cleared away before the marketing problems can be solved. The industry is fragmented by the vast number of products turned out, and it is impossible to expect the individual sections of the industry to have any success at all in what would have to be a large public relations and advertising program.

Again, the cost structure of selling fish is such that it is extremely difficult to build any substantial amounts of promotional advertising as has been done in some industries. The Canadian industry may even have to go further afield, into the United States. This could mean approaching the promotional program in that country on an international level whereby it might well be barred by the other

larger countries marketing fish, such as Iceland and Norway.

Honourable senators, perhaps the most important problem facing our fishing industry is conservation, and here again the problems are many and varied. In the remainder of the time allotted to me, I will deal with the herring fisheries, mostly in the Bay of Fundy area. I did not want to create any wrong impressions regarding the herring fisheries, other than the Bay of Fundy areas. I want to explain briefly the difference that I mean when I am talking about herring and sardines. The sardine is a small young herring which is caught from the age of one year up to four years, when the herring reaches the age of maturity and the first year of spawning.

The early history of Canadian herring fisheries is not well documented, but some of it can be inferred from the history of other fisheries that used herring for bait. The early colonists undoubtedly used some herring for food, but they probably used great quantities in the catching of cod for the salted cod export trade. American vessels fishing for herring in Canadian waters towards the end of the 18th century and in the early part of the 19th century caught herring in the Gulf of St. Lawrence and transported it to Maine and Massachusetts for bait and some for food. However, both the bait and the food markets in the United States declined drastically.

Fishing for herring in the Bay of Fundy goes back beyond the earliest visits of European fishermen about 450 years ago. The Indians had simple forms of weirs and also caught herrings by torching, that is, using a light. The weir fishery as we know it today started about 1820, but prior to and during the development of the weir fishery, large quantities of herring were taken by gill nets on the spawning grounds around Grand Manan Island. There has been reference made where there were as many as 120 vessels being congregated at Southern Head, Grand Manan, engaged in gill netting of the spawning herring which were either salted or smoked for edible foods.

After their introduction, the number of weirs in the Bay of Fundy increased steadily. In 1849 there were 55 weirs at Grand Manan, Campobello and Deer Island. By 1880 there were 142 weirs. In 1933 there were 293 weirs and in recent years they went up considerably to over 400 in this area. These weirs were operated annually from the months of May until October. From 1935 until 1958 the weirs declined to 267, and in the year 1967 they further declined to 208. This is, to the sardine industry, a very serious situation. Without the weir fishermen it would be impossible for the sardine industry to survive. In the Bay of Fundy we have two types of herring fishery. We have the weir fishery, which is a stationary so-called trap that is built off the shore and owing to heavy winds through fall and winter these weirs cannot operate.

I would strongly advise that the Department of Fisheries of our Canadian Government make a feasibility study of this weir fishing, and that there could be some form of assistance given them in years of failure. I would not recommend a free grant, but some form of loan that could be paid back in years of good fishing.

The other type of herring fishery in the Bay of Fundy is called the purse seiners. This mobile fishery moves about and finds the schools of fish and circles the herring between dark and daylight. These purse seiners do not operate in the daylight hours. In the summer months the fleets of purse seiners work on the large schools of herring that come in on the shore to spawn.

The herring is the only member of the fish family that deliberately lays its eggs on the seabed and for this purpose selects areas where the bottom is firm. The eggs sink to the bottom and stick in layers or clumps to sand and clay, seaweed, stones or other objects on which they chance to settle. The eggs are 1.0 to 1.4 millimetres in diameter and each female herring deposits from 20,000 to 100,000 eggs at one spawning. Fertilizing takes place before the eggs reach the seabed. On the Atlantic coast herring spawning takes place during spring, summer and autumn, depending on the locality and the herring stock that occupies it.

The egg mortality is undoubtedly not as heavy for Atlantic herring as it is for its Pacific relative. These are the types of fisheries that I feel should have some conservation, some period of protection. As these large spawn herring are caught and reduced to fish meal and oil before they have an opportunity to spawn, or hatch their eggs, what chance of survival has the sardine industry in the Bay of Fundy area?

There always has been a tendency to under-emphasize the importance of this industry to the area and its people, so I feel it is important that some understanding be given to those who are employed, and also to the population of the whole area which is dependent on the sardine industry. The fish

processing industry in general and the sardine industry specifically play a very important role in the economy of southern New Brunswick. The east coast sardine fishery, for the main part, is centered in the Bay of Fundy and in and around the Passamaquoddy area of Charlotte County and is the second largest canned-fish industry in Canada. With ten operating plants in Charlotte County, annual production runs well over 1,250,000 cases per year, of 100 cans per case. As a result of this production, the direct outlay for fish and manufacturing wages would run to over $8,500,000 per annum. Added to that, would be the cost of cans, which are manufactured in the local area, plus a substantial quantity of other New Brunswick products used in the process. Additional investment of many millions of dollars has been made in weirs, seines, boats, canneries and other equipment. At the height of the season, employees in the canning industry alone amount to over 2,500 people.

According to statistics, there has been fishing for sardines in the waters of the Bay of Fundy for over 100 years. During this period, there have been years of plenty and years of scarcity, but up until now, no one has yet been able to make any prediction as to the volume of catch available or the areas in which they could be caught. This uncertainty of the supply has always been of grave concern to the industry as well as to the fishermen of the area.

This current increase in the herring fishery of the Bay of Fundy is naturally of great interest to the industry. I view with grave concern the increase in the use of herring for direct reduction into fish meal and oil without the thought of controls or restrictions. This concern is related to the question of what effect this uncontrolled fishery will have on the supply of sardine-size herring. This interest in herring for reduction is obviously sparked first of all by heavy Government subsidization of boats, plants and machinery, with additional tax concessions, and also by the present market situation for herring meal.

It should be pointed out that one ton of herring or sardines bought for canning purposes will contribute approximately $100 to the economy of the area in direct wages and payments to fishermen. The same amount of fish, if purchased for reduction into fish meal and oil, would contribute $23 to the economy. One must remember that fish canning remains a very high labour content industry, whereas fish meal can be produced almost entirely mechanically.

I mention these points, not to reflect unfavourably towards those concerned with the fish reduction industry, but only to point out some significant points concerning the canning industry.

The fish meal fishery in the area of southwest Nova Scotia is based on the inshore migration of mature herring which results in their spawning sometime during the months of July, August, September and October. It is reasonable to assume that the sardines that maintain the sardine business originate from the eggs left by these mature herring.

The fishing effort has steadily increased during the past few years. The herring landings in the Bay of Fundy in 1963 totalled 161,000,000 pounds. Landings increased in 1964 by 15 per cent and again in 1965, when the increase was a phenomenal 38 per cent. It is of increasing concern to the people that this steady increase cannot continue without seriously affecting the herring population.

Age and length characteristics prepared by the Department of Fisheries on the herring caught for reduction in southwest Nova Scotia during the past few years show a marked trend toward young fish being caught. In 1962, the results showed that 31.4 per cent of the fish caught were in the four-year-old class or first-year spawners. Since that time the quantity of four-year-old fish caught has increased to 37 per cent in 1963 and to 55.3 per cent in 1966. The percentage of herring caught in the five- to eight-year class decreased from 40.2 per cent in 1962 to 28.1 per cent in 1967; 1965 figures were not available when this report was written. These are very alarming figures and would indicate the age of the school is becoming younger, which points possibly to an over-fishing condition.

At the present time there is a great deal of incentive for anyone with a limited amount of capital to establish direct reduction plants, mainly at Government expense, with the anticipation of quick and attractive monetary profit. It is, therefore, the direct responsibility of the federal Government of Canada to ensure that any such endeavours do not have a direct bearing on loss of supplies to industry already established and existing on its own capital contributions from earned income over the years.

The trend has been the same in other world fish meal areas established in recent years. Both Peru and South Africa have been forced to take belated conservation measures and, in each case, solely for the continued existence

of the fish meal industry itself rather than, as could well happen here, to eliminate a threat to long-established industry with a large investment in physical and human assets. In point of fact, on the Canadian Pacific coast, the reduction industry has established safeguards to ensure the supply of herring.

I submit that the fishery of southwest Nova Scotia and the Bay of Fundy requires a complete evaluation to make possible the maintenance of a maximum sustained catch from the fisheries which will support the existing sardine industry as well as the fish reduction industry. Any conservation or management measures will consist of restricting present catches in some way in order to ensure better catches in the future.

I submit that action by the federal Department of Fisheries is required immediately to provide important research into the herring populations and habits in order to give the information needed to formulate recommended levels of fishing effort. Following this, we require legislation and action to control fishing and catches at the recommended levels.

It is wise for us to remember that action may have to be taken before absolute certainty of the state of the stocks is known; otherwise, events may have gone too far. There is rarely any such thing as painless conservation and almost always there is immediate sacrifice to be made to achieve the long-term gain. If this immediate loss is small, then all parties are less affected. Therefore, action should be taken early.

I submit that the following general conservation methods should be considered:

1. Protection of herring for a short period before they spawn.

2. Protection of spawning areas and spawning beds from the fishery, especially the trawler fleet.

3. A limit on the quantity of mature herring taken from the water to ensure ample population.

4. A limit on the size of the fish taken for reduction.

It has been said that herring is an excellent fish that would have a great fuss made over it if it were expensive. Demand, therefore, lies in areas where there is a great demand for protein. But production costs must be kept extremely low to make up for the high cost of transportation and lack of economic ability to pay by the underdeveloped areas concerned outside of Canada.

I do not see where we can treat the Bay of Fundy fisheries any different from any of the other fisheries that have experienced overfishing without conservation. We can look to the British Columbia coast at this time where the Department of Fisheries has found it necessary to curtail fishing for a period of time. Of course, it is unfair for us to compare the east coast and west coast fisheries. The west coast fishery is very rich compared to the east coast. They have the salmon which comes in great abundance with a great monetary return to the fisherman. They have the halibut, whereas the greatest abundance of fisheries on the east coast have the herring. The richest return to the fisherman on the east coast would be the lobster, but that is no comparison to the great salmon of the west coast.

The sardine industry in the Bay of Fundy suffers, not from a selling program but from the production difficulty in obtaining sufficient suitable fish for packing. The encouragement, therefore, of any additional form of industry, which will tend to decrease sources of supply, can only lead to the eventual decline of an industry which has built up its reputation around the whole world over the past 100 years.

I must again appeal to the Department of Fisheries to establish immediate and extensive facilities for proper research into fishing for herring to ensure proper conservation by: (1) Protection of herring for a short period before they spawn; (2) protection of spawning areas and spawning beds from the fishery, especially the trawler fleet; (3) a limit on the quantity of mature herring taken from the water to ensure ample population; (4) a limit on the size of the fish taken for reduction; and (5) a feasibility study by the Department of Fisheries of the Canadian Government of weir fishing, and the consideration of some form of assistance in the years of failure—not a free grant but some form of a loan to be paid back in years of good fishing.

To put it bluntly, in the Bay of Fundy a short-term view for a "quick dollar" could well prove disastrous, over the long haul, to fishermen of this area and the land workers dependent on their skills.

Hon. John J. Connolly: Honourable senators, my first words in speaking on the Address in Reply to the Speech from the Throne must be addressed to His Honour the Speaker. Not only do I congratulate him, but I want him to know how delighted I am to see

him in the Chair of this Chamber. Because of his background as a lawyer, as a parliamentarian, as a minister, as the deputy leader of this house and as the very effective Chairman of the Finance Committee, I think the appointment of Senator Deschatelets to the post of Speaker of this house does us honour indeed.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I wish him many years of happiness as he presides over our deliberations.

With all my heart too I welcome a very old friend as the new Leader of the Senate, the Honourable Paul Martin. Senator Martin, needless to say, is a very experienced parliamentarian. He has been in Parliament since 1935 and he has been in ministries, except for one short period, since 1945. He may be one of the fathers of Parliament just now, although he does not look quite that old. He has been a friend of mine since college days. As a matter of fact, he was at the University of Toronto at the same time as my wife. Sometimes he annoys her very much by calling her his classmate. She insists that when he was in his last year in law school, she was a freshman in Arts. Frankly, I do not believe either of them because I do not think either one of them is that young. However, I feel that Senator Martin will do much for the Senate. His speech yesterday was the kind of speech a new leader must make here because he must give his colleagues some idea of his plans, and what he proposes to do. I really do not think he was trying to "deke" the Speech from the Throne, as Senator O'Leary (Carleton) suggested, when he emphasized more the work he envisaged for this honourable chamber.

Something new happened here yesterday. Probably because of his great experience in Parliament and Government and in the public affairs of this country, the press was interested. For the first time in the 15 years that I have been here we had a full press gallery. If there is one place where word of the work of the Senate does not seem to reach it is into the press gallery. I think this may very well set a pattern for the future.

Honourable senators, in having left the leadership there are a great many debts of gratitude that I owe. I wonder if, since in the debate on the Address in reply to the Speech from the Throne, one can range very far afield, I might be permitted to make some acknowledgments.

First, I express my gratitude to Mr. Speaker Smith, who was Speaker all during my leadership, and whose ability and co-operation, particularly on the administrative side, which does not appear in the chamber so much, but which was onerous, I did appreciate so much.

I had three deputy leaders in my time. The first was Senator Vaillancourt, one of our most distinguished colleagues from Quebec, whom we all respect so much and who has been here so long. When he resigned because of ill-health the late honourable Senator Paul Bouffard became deputy. Unfortunately, it was only a matter of weeks before he was swept away from us with a suddenness that none of us could really accept with equanimity. He was a valuable and experienced member of the Senate, and he would have been not only a good deputy leader but he would have been an excellent leader in this chamber.

Then I was fortunate to have the present Speaker, Senator Deschatelets, take over. He not only acted as deputy leader but also took over the chairmanship of the Finance Committee, which meant a great deal to this house. For the past five years we have been using the Finance Committee to study the Estimates and the procedures of Treasury Board and the other Government departments which are concerned with the finances of the country and with appropriation bills. Year after year when these bills came to the Senate, senators would rise in their places and say, "We know nothing about these Estimates; we are passing them and giving the Government a blank cheque." The Senate is not doing that any more. One of the reasons for that is the work done by Senator Deschatelets as Chairman of the Finance Committee and by Senator Leonard, who started the process in a very meaningful way. I acknowledge too the work of the other members of the Finance Committee who have been so faithful in their attendance at the committee meetings. The Senate no longer has reason to complain that it is simply a rubber stamp on appropriation bills.

I should like too to acknowledge the debt I owe to the various people who have assisted me in the capacity of whip. Let me pay tribute first of all to the man we all love so much, Senator Arthur Beaubien, who remains a Liberal Whip; and to Senator A. H. McDonald, who came here much later and who is relatively young in the chamber. He learned very quickly the atmosphere and character of the house. He was invaluable to me,

not only for attendance and speaking arrangements in the chamber, but also in committee. Before him there was the Honourable W. H. Taylor, who was here so long and knew Parliament so well. I want to pay a special tribute of affection and of respect to him.

Honourable senators, I think one cannot really understand the climate and the purpose of the Senate unless one understands the work of its committees. I, and many honourable senators, have always said that there are in this house not only good committees; there are great committees. They are great, not only because of the members we appoint to them, but also because of their chairmen.

I wonder if there is a more competent chairman, a man with a better background in the fields of banking and commerce, than the present chairman of the Standing Committee on Banking and Commerce, the honourable Senator Salter A. Hayden. He has been chairman of that committee for many years. Indeed, he had the confidence of our friends opposite when they came to office, to the extent that they nominated him, through the late honourable Senator Brooks, to continue in that capacity.

Another of our great committees is the Standing Committee on Transport and Communications. All of us are indebted, first of all, to Senator Hugessen for the many services he rendered that committee. He was one of the great parliamentarians Canada developed in its first hundred years, and is now, unhappily for us but happily for himself, retired. He was succeeded by Senator Leonard, who is doing a more than competent job.

I have already referred to the work of the Standing Committee on Finance, and to the initiative taken by Senator Leonard and to the work done by Senator Deschatelets.

I mention our great friend Senator Roebuck and the indefatigable work that he has done, particularly in the Standing Committee on Divorce. I suppose, in a sense, the work of that committee is his monument here, and will be for many years to come. However, one should not forget that despite his preoccupation with the problems of that committee, Senator Roebuck was assiduous at the meetings of many other committees that he had an opportunity to attend. He is one of the busiest men in the Senate, and he also happens to be 90 years young.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): I go back to the Standing Committee on Immigration and Labour, particularly when the late Senator John Hnatyshyn was its chairman, and I recall the work he did. On the infrequent occasions that bills were referred to his committee, they were dealt with despatch. He presided over the meetings of that committee with great ability.

Senator Croll has been the chairman of a number of special committees, sometimes joint and sometimes of the Senate alone. In every case, the committees that were set up over which he presided—particularly the Special Committee of the Senate on Aging and the Special Joint Committee on Consumer Credit and Cost of Living—were, first of all, initiatives that were taken by him in this house and supported by its members. Secondly, they were initiatives that were listened to by the Government and resulted in legislation.

The same can be said of the Special Committee of the Senate on Land Use, which he did not originate, but which resulted, in the days of the Diefenbaker Government, in the beginning of the ARDA program.

Honourable senators, I was delighted yesterday to hear Senator Martin talk about the prospects for stepping up the activities of the Standing Committee on External Relations, presided over so well and with such enthusiasm by our learned friend from Winnipeg, Senator Thorvaldson.

Honourable senators, I do not think I am opening the door to the Privy Council when I tell you this. I have always been most grateful to Senator Thorvaldson for the initiatives that he has taken in connection with that committee, despite the difficulties of getting quorums and lack of time for the work of this committee. He was always elated when our new Leader of the Government was able to come, as the minister responsible, to speak to the committee and to explain policy.

I want to tell honourable senators something—and I repeat, I do not think I am opening the door of the Privy Council even a crack. I could never tell Senator Thorvaldson this. One of the problems I had with my colleague, the then Secretary of State for External Affairs, was that of trying to persuade him to allow Canadian ambassadors and foreign representatives, when they returned to Canada from a tour of duty, to come before our External Relations Committee, not to explain Canadian policy abroad—that is the prerogative of the Minister—

but to speak about conditions in these foreign countries, and of Canadian approaches to the problems of those peoples. I think it would be of immense help if that kind of thing could be done. I did not have very much luck.

I think there is a great capacity for dealing with foreign affairs in this house, and there is a great body of information available to the Senate from those honourable senators who have participated in the work of international organizations designed for parliamentarians. So, I do hope, in telling you the story, I can say to the new Leader of the Government in the Senate that I hope he has more success with the new Secretary of State for External Affairs than his immediate predecessor as Leader of the Government had with the former Secretary of State for External Affairs.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): As I have said, I think there is a great capacity here for performing a great deal of work, and the new leader has indicated that he hopes this will be done. However, I think there is one thing we should realize. There are certain limitations on the inquiry side of the work that the Senate can do. After all, this is primarily a legislative body, one which deals with the law, with new legislation, sometimes initiating it, sometimes reviewing it as it comes to us from below. The more legislation we can initiate the better off Parliament will be, the better off the House of Commons will be, the better off the country will be, because the public business will be attended to more expeditiously.

There are limitations set upon the amount of work that can be done at one time. We must remember that in this house, at most, we have 102 members. In the other place they have 265—at least two-and-a-half times the number we have here. So, they can man more committees.

Moreover, we are asked from time to time to join with the House of Commons in providing members for joint committees of the two houses. This is time consuming. For instance, in the case of the special joint committee which dealt with the Canada Pension Plan, the committee sat for a whole month when Parliament was in recess, fortunately. I say that, because it could not have sat while Parliament was sitting, for there was so much to be done with regard to that bill.

I think of the House of Lords, and I had the privilege just a week ago of talking to Lord Shackleton, its relatively new leader. From what I hear and read in the press, changes are being introduced in the procedures of that House, and they have a great interest in the kind of work that we do. But I could not help but say to him: "What a fortunate position the House of Lords is in, because you can call upon up to 1,100 people to work for you, if they apply for the writ of summons. You have an average of about 500 attending a session of Parliament. You have an average of from 200 to 300 attending every sitting of the house. The most we have is 102."

This lack of manpower within the Senate creates a problem for the leader. It creates a problem for the chairmen of the committees. It creates a problem because of the amount of work which can be done. I do not think we should be overreaching ourselves. I think we should be realistic as we approach this business of more work for the Senate. I am all for that. We have done a great deal more work here in the last ten years than was ever done by the Senate before. The press does not talk about it. It does not appear in the public print because we do not make the declamatory kind of speech here. The party line does not run down the middle of this chamber as clearly marked as it does in the other place. We are not as excitable, and we are not as excited.

I have made acknowledgments to certain people who were of great assistance to me in the course of the years of my leadership, and I would be most remiss indeed if I did not mention four others. First of all, there was Senator Brooks, the Leader of the Opposition during most of my time as Leader of the Government, and a finer gentleman and a more co-operative colleague one could not expect to have.

Senator Flynn, whom I have known for so long, and Senator Choquette, his deputy, who was a classmate of mine, I thank from the bottom of my heart for the kind co-operation they gave me.

I include in these thanks the silver-tongued senator from Sydney, the whip on the other side, Senator John M. Macdonald.

I should like to tell a story about Senator Macdonald (Cape Breton). It being a Thursday afternoon, one is allowed to do this. I forget in which year this was—it was at the time of either the 1962 or 1963 election —Senator Macdonald had heard that I had seen the Holy Father, and he said to me: "I understand he gave you a rosary; in fact, he gave you many. Would you give me one?" I

replied: "John, nothing would give me more pleasure than to do this." It so happened that I sent him the rosary on the day after the election was called. I had previously exacted a promise from him that he would say the first of these rosaries for me and for my intention. I was quite dismayed about a week later when he wrote me—in the meantime, the election had been called for April 8—saying: "I am saving the rosary to say my first prayers on it on April 9."

Honourable senators, to all my colleagues, regardless of party, I say that I shall treasure the memory of the years of my leadership here as long as I live. I know they were not without their problems, and at times not without their crises, and at times, indeed, not without their criticisms of my own performance. But, what I can never forget is the kindness, the generosity, the companionship, and the co-operation that I have had from honourable senators on both sides of this house. I can say with complete frankness, and with no simulated humility, that I did not deserve the honour that came to me at the hands of a great Canadian, the Right Honourable Lester B. Pearson, when he appointed me to the leadership of this house. I feel—and I say this without reservation—that of all the parliamentary posts after the prime ministership itself that of leader of this august house is the highest a Canadian can hold.

Honourable senators, since I am making a speech in the debate on the motion for an Address in Reply to the Speech from the Throne I had better mention the Speech—and I am aware that Senator O'Leary (Carleton) has already spoken! However, the Speech from the Throne allows no limitation on debate. Traditionally, it is wide-ranging. I am not really too much upset by what Senator O'Leary (Carleton) said yesterday in his strictures of the Government, and about the fact that the Speech did not contain concrete proposals.

I have before me here a copy of the Montreal *Star* of Friday, September 13, 1968—a lucky kind of day, if I may say so—which contains a copy of the Speech itself, and next to it a column headed: "47 bills ready for Parliament". We expect Her Majesty and Her Majesty's representative to do a great many things, and I am sure some of them at times are irksome. But to have put these 47 items into the Speech would have made it very tedious. I would not bore the Senate by reading this list. It is simply a list of legislation to come—legislation that is ready.

Frankly, I am quite satisfied and content that the Speech from the Throne should give the general lines of policy and what the Government proposes to do. I do not think there is any need to spell out the details of the legislation. They will unfold themselves at the appropriate times. As long as the Speech contains a statement of principles and policies —and, believe me, the debate will not be very specific in either this house or the other place—then it is certainly better than the Speeches drafted under the old practice of having them contain a list of bills.

If the Government is aware of national problems, and if it discusses them in a general way in the Speech from the Throne, then I think that that, generally speaking, is what a government is required to do. Ultimately the government will never be judged by the people on what is in the Speech from the Throne, whether it be read at the opening or closing of a session or a Parliament. It will be judged on its performances in respect of the policies it pursues. It will be judged on the results of the legislative programs that it enacts, and upon its administrative action.

I rather think that this Government now has a mandate to go ahead in a bold, imaginative and progressive way to keep this country on an even keel; to make it expand and develop as perhaps no other country in the world has a capability of doing.

I was most impressed by what the honourable mover of this motion, Senator Phillips (Rigaud), had to say in his mighty, maiden effort. It may have been his maiden speech in this chamber, but it was born of a wide experience and the background of a great career in the law and in business in the Province of Quebec.

I was delighted too—as I am to see him this afternoon—with what my old friend, and a very experienced parliamentarian, Senator Raymond Eudes, had to say in seconding the motion.

Honourable senators, I congratulate the Government upon its achievement at the polls in June. Naturally, as a member of the party which succeeded, I am pleased at its success. But for all Canada, and indeed abroad, the great achievement of the electoral process of 1968 is the existence in this country, for the first time since 1962, of a majority in the House of Commons for the government in office. I think there is, a result of that, a sense of stability, a sense of security, now flowing through the national life. It has replaced a sense of insecurity which prevailed

in the years when minority government was in office. I say this is good for Canada at home; it is good indeed for Canada abroad. Honourable senators, I would make the statements I have just made whether the Progressive Conservatives won the election or not. Stable government, majority government, is the best way for Parliament to function.

I am sure honourable senators will not accuse me of hypocrisy if I say one other thing about the election, and I say it sincerely. I deeply regret the failure of many fine parliamentarians, members of the Opposition party, at the polls in June. Political success and political life is always a tenuous thing. There is a built-in hazard in the democratic process. Our system of parliamentary government runs ideally when there are two main parties in the House of Commons. That house is a better place if there is a real, experienced debating strength on both the Government benches and the Opposition benches. Moreover, a strong Opposition creates a real alternative to a government, and one never knows when that alternative will have to be resorted to in days of the type in which we live.

Far be it from me to mount the hustings on behalf of a party to which I have never given allegiance. I am enough of an historian to say that the Conservative party is an historic party in this country; it is of the political fabric of this land; it has a fine record of achievement and of service to Canada under its various leaders in the various times in which it held office. It has indeed lost some of the people it needs very greatly, that Parliament needs very greatly, that the nation needs very greatly. I know it must and will re-group. Honourable senators, I hope for our country's sake that it will re-group.

I know whereof I speak, because in 1958 the fortunes of the Liberal party were at perhaps their lowest ebb in history. I should like this afternoon to pay a tribute to the courage of the new leader of the Liberal party at that time, the Right Honourable Lester B. Pearson. He faced a situation that no politician would ever relish facing. He was not only a new leader but he had a new party to rebuild. He had a duty to the party and a duty to Parliament to do this. He had a duty to his country to do it and he did it. His success was remarkable, even though in the years during which he held office he never once had a majority in the House of Commons.

Perhaps I can claim to have had some small part to play in that process, and I should like to couple with that the name of another of our colleagues who helped mightily in the process. I hesitate to single anyone out, but Senater Davey worked with me at the National Liberal Federation in those days and made a contribution to Canadian public life that was very great indeed.

That work involved personal sacrifice but it had its rewards. I speak not of the rewards of office. They came. As I used to say to my friend Senator Norman Lambert, when he was alive, to me the reward was satisfaction in helping to restore the position of a party which had done great things for this country, a party in the principles and policies of which I believed.

Honourable senators, I conclude by speaking to our new leader. I wish him success and satisfaction in his new responsibilities. But my best wish for him is that he shall have the co-operation, kindness and assistance from his colleagues that I was so fortunate to have in the five years of my leadership.

On motion of Honourable Mr. O'Leary (Antigonish-Guysborough), debate adjourned.

STANDING COMMITTEES

SECOND REPORT OF COMMITTEE OF SELECTION ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection which was presented Wednesday, September 18.

Hon. A. Hamilton McDonald moved the adoption of the report.

Report adopted.

APPOINTMENT

Leave having been given to revert to Notices of Motion:

Hon. Paul Martin, with leave of the Senate, moved:

> That the senators mentioned in the second report of the Committee of Selection, as having been chosen to serve on the several standing committees during the present session, be and they are here-

by appointed to form part of and constitute the several committees with which their respective names appear in the said report, to inquire into and report upon such matters as may be referred to them from time to time, and that the Committee on Standing Orders be authorized to send for persons, papers and records whenever required; and also that the Committee on Internal Economy and Contingent Accounts have power, without special reference by the Senate, to consider any matter affecting the internal economy of the Senate, and such committee shall report the result of such consideration to the Senate for action.

Motion agreed to.

LIBRARY OF PARLIAMENT

MESSAGE TO COMMONS—SENATE MEMBERS OF JOINT COMMITTEE

Hon. Mr. Martin, with leave of the Senate, moved:

That a message be sent to the House of Commons by one of the Clerks at the Table to inform that house that the Honourable Senators Bélisle, Cameron, Fergusson, Fournier (De Lanaudière), Gladstone, Gouin, Haig, Irivine, Kinnear, MacDonald (Queens), O'Leary (Antigonish-Guysborough), White and Yuzyk, have been appointed a committee to assist the Honourable the Speaker in the direction of the Library of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as Members of a Joint Committee of both houses on the said Library.

Motion agreed to.

PRINTING OF PARLIAMENT

MESSAGE TO COMMONS—SENATE MEMBERS OF JOINT COMMITTEE

Hon. Mr. Martin, with leave of the Senate, moved:

That a message be sent to the House of Commons by one of the Clerks at the Table to inform that house that the Honourable Senators Haig, Isnor, McGrand, O'Leary (Antigonish-Guysborough), Pearson, Phillips (Prince), Savoie, Sullivan, Welch and Willis, have been appointed a Committee to superintend the printing of the Senate during the present Session and to act on behalf of the Senate as Members of a Joint Committee of both houses on the subject of the Printing of Parliament.

Motion agreed to.

RESTAURANT OF PARLIAMENT

MESSAGE TO COMMONS—SENATE MEMBERS OF JOINT COMMITTEE

Hon. Mr. Martin, with leave of the Senate, moved:

That a message be sent to the House of Commons by one of the Clerks at the Table to inform that house that the Honourable the Speaker, the Honourable Senators Beaubien (Provencher), Fergusson, Inman, Macdonald (Cape Breton) and White, have been appointed a Committee to direct the management of the Restaurant of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as Members of a Joint Committee of both houses on the said Restaurant.

Motion agreed to.

The Senate adjourned until Tuesday, September 24 at 3 p.m.

APPENDIX

(*See p. 65.*)

THE STUDENT AS NIGGER

Students are niggers. When you get that straight, our schools begin to make sense. It's more important, though, to understand why they're niggers. If we follow that question seriously, it will lead us past the zone of academic bullshit, where dedicated teachers pass their knowledge on to a new generation, and into the nitty-gritty of human needs and hangups. From there we can go on to consider whether it might ever be possible for students to come up from slavery.

First, look at the role students play in what we like to call education. At Cal State where I teach, the students have separate and unequal dining facilities. If I bring a student into the faculty dining room, my colleagues get uncomfortable, as though there were a bad smell. If I eat in the student cafeteria, I become known as the educational equivalent of a "nigger-lover". In at least one building there are even rest rooms which students may not use. Also there is an unwritten law barring student-faculty lovemaking. Fortunately, this anti-miscegenation law, like its Southern counterpart, is not 100 per cent effective.

CHOOSE HOMECOMING QUEEN

Students at Cal State are politically disenfranchised. They are in an academic Lowndes County. Most of them can vote in national elections—their average age is about 26—but they have no voice in the decisions which affect their academic lives. The students are, it is true, allowed to have a toy government of their own. It is a government run, for the most part, by Uncle Toms, concerned principally with trivia. The faculty and administrators decide what courses will be offered; the students get to choose their own Homecoming Queen. Occasionally, when student leaders get uppity and rebellious, they're either ignored, put off with trivial concessions, or maneuvered expertly out of position.

A student at Cal State is expected to know his place. He calls a faculty member "Sir" or "Doctor" or "Professor" and he smiles and shuffles some as he stands outside the professor's office waiting for permission to enter. The faculty tell him what courses to take (in my department, English, even electives have to be approved by a faculty member); they tell him what to read, what to write, and, frequently, where to set the margins on his typewriter. They tell him what's true and what isn't. Some teachers insist that they encourage dissent but they're almost always lieing and every student knows it. Tell The Man what he wants to hear or he'll fail you.

When a teacher says "jump" students jump. I know of one professor who refused to take up class time for exams and required students to show up for tests at 6:30 in the morning. And they did, by God! Another, at exam time, provides answer cards to be filled out—each one enclosed in a paper bag with a hole cut in the top to see through. Students stick their writing hands in the bags while taking the test. The teacher isn't a provo; I wish he were. He does it to prevent cheating. Another colleague once caught a student reading during one of his lectures and threw her book against the wall. Still another lectures his students into a stupor and then screams at them in rage when they fall asleep.

CLASS IS NOT DISMISSED!

During the first meeting of a class, one girl got up to leave after about ten minutes had gone by. The teacher rushed over, grabbed her by the arm, saying "This class is not dismissed!" and led her back to her seat. On the same day another teacher began by informing his class that he does not like beards, mustaches, long hair on boys, or capri pants on girls, and will not tolerate any of that in his class. The class, incidentally, consisted mostly of high-school teachers.

Even more discouraging than this Auschwitz approach to education is the fact that the students take it. They haven't gone through twelve years of public school for nothing. They've learned one thing and perhaps only one thing during those twelve years. They've forgotten their algebra. They're hopelessly vague about chemistry and physics. They've grown to fear and resent literature. They write like they've been lobotomized. But, Jesus, can they follow orders! Freshmen come up to me with an essay and ask if I want it folded and whether their name should be in the upper right hand corner. And I want to cry and kiss them and caress their poor, tortured heads.

Students don't ask that orders make sense. They give up expecting things to make sense

long before they leave elementary school. Things are true because the teacher says they're true. At a very early age we all learn to accept "two truths," as did certain medieval churchmen. Outside of class, things are true to your tongue, your finger, your stomach, your heart. Inside class, things are true by reason of authority. And that's just fine because you don't care anyway. Miss Wiedemeyer tells you a noun is a person, place or thing. So let it be. You don't give a rat's ass; she doesn't give a rat's ass.

SIRENS AND A RATTLE OF BULLETS

The important thing is to please her. Back in kindergarten, you found out that teachers only love children who stand in nice straight lines. And that's where it's been at ever since. Nothing changes except to get worse. School becomes more and more obviously a prison. Last year I spoke to a student assembly at Manual Arts High School and then couldn't get out of the goddam school. I mean there was no way out. Locked doors. High fences. One of the inmates was trying to make it over a fence when he saw me coming and froze in panic. For a moment, I expected sirens, a rattle of bullets, and him clawing the fence.

Then there's the infamous "code of dress". In some high schools, if your skirt looks too short, you have to kneel before the principal, in a brief allegory of fellatio. If the hem doesn't reach the floor, you go home to change while he, presumably, jacks off. Boys in high school can't be too sloppy and they can't be too sharp. You'd think the school board would be delighted to see all the spades trooping to school in pointy shoes, suits, ties and stingy brims. Uh-uh. They're too visible.

What school amounts to, then, for white and black kids alike, is a 12 year course in how to be slaves. What else could explain what I see in a freshman class? They've got that slave mentality: obliging and ingratiating on the surface but hostile and resistent underneath. Like black slaves, students vary in their awareness of what's going on. Some recognize their own put-on for what it is and even let their rebellion break through to the surface now and then. Others—including most of the "good students" have been more deeply brainwashed. They swallow the bullshit with greedy mouths. They honest-to-God believe in grades, in busy work, in general education requirements. They're like those old grey-headed houseniggers you can still find in the South who don't see what all the fuss is about because Mr. Charlie "treats us real good".

THEY CHEAT A LOT

College entrance requirements tend to favor the Toms and screen out the rebels. Not entirely, of course. Some students at Cal State are expert con artists who know perfectly well what's happening. They want a degree and spend their years on the old plantation alternately laughing and cursing as they play the game. If their egos are strong enough, they cheat a lot. And of course, even the Toms are angry down deep somewhere. But it comes out in passive rather than active aggression. They're unexplainably thick-witted and subject to frequent spells of laziness. They misread simple questions. They spend their nights mechanically outlining history chapters while meticulously failing to comprehend a word of what's in front of them.

The saddest cases among both black slaves and student slaves are the ones who have so thoroughly introjected their masters' values that their anger is all turned inward. At Cal State these are the kids for whom every low grade is torture, who stammer and shake when they speak to a professor. They go through an emotional crisis every time they're called upon during class. You can recognize them easily at finals time. Their faces are festooned with fresh pimples; their bowels boil audibly across the room. If there really is a Last Judgment, then the parents and teachers who created these wrecks are going to burn in hell.

So students are niggers. It's time to find out why, and to do this, we have to take a long look at Mr. Charlie.

The teachers I know best are college professors. Outside the classroom and taken as a group, their most striking characteristic is timidity. They're short on balls. Just look at their working conditions. At a time when even migrant workers have begun to fight and win, college professors are still afraid to make more than a token effort to improve their pitiful economic status. In California state colleges the faculties are screwed regularly and vigorously by the governor and legislature and yet they still won't offer any solid resistance. They lie flat on their stomachs with their pants down, mumbling catchphrases like "professional dignity" and "meaningful dialogue".

THEY COPPED OUT

Professors were no different when I was an undergraduate at UCLA during the McCarthy era; it was like a cattle stampede as they

rushed to cop out. And in more recent years I found that my being arrested in sit-ins brought from my colleagues not so much approval or condemnation as open-mouthed astonishment: "You could lose your job!"

Now of course, there's the Vietnamese war. It gets some opposition from a few teachers. Some support it. But a vast number of professors who know perfectly well what's happening, are copping out again. And in the high schools you can forget it. Stillness reigns.

I'm not sure why teachers are so chickenshit. It could be that academic training itself forces a split between thought and action. It might also be that the tenured security of a teaching job attracts timid persons who are unsure of themselves and need weapons and other external trappings of authority.

At any rate, teachers are short on balls. And, as Judy Epstein has eloquently pointed out, the classroom offers an artificial and protected environment in which they can exercise their will to power.

Your neighbors may drive a better car; gas station attendants may intimidate you, your wife may dominate you; the state legislature may shit on you; but in the classroom, by God, students do what you say-or-else. The grade is a hell of a weapon. It may not rest on your hip, potent and rigid like a cop's gun, but in the long run it's more powerful. At your personal whim—anytime you choose—you can keep 35 students up for nights and have the "pleasure" of seeing them walk into the classroom pasty-faced and red-eyed carrying a sheaf of typewritten pages, with a title page, MLA footnotes and margins set at 15 and 91.

RESPECT FOR AUTHORITY

The general timidity which causes teachers to make niggers of their students usually includes a more specific fear—fear of the students themselves. After all, students are different, just like black people. You stand exposed in front of them, knowing that their interests, their values and their language are different from yours. To make matters worse you may suspect that you yourself are not the most engaging person. What then can protect you from their ridicule and scorn? Respect for authority. That's what—it's the policeman's gun again. The white bwana's pith helmet. So you flaunt that authority. You wither whisperers with a murderous glance. You crush objectors with erudition and heavy irony. And, worst of all, you make your own attainments seem not accessible but awesomely remote. You conceal your massive ignorance—and parade a slender learning.

Finally, there's the darkest reason of all for the master-slave approach to education. The less trained and the less socialized a person is, the more he constitutes a sexual threat and the more he will be subjugated by institutions, such as penitentiaries and schools. Many of us are aware by now of the sexual neurosis which makes white man so fearful of integrated schools and neighborhoods, and which makes castration of Negroes a deeply entrenched Southern folkway. We should recognize a similar pattern in education. There is a kind of castration that goes on in schools. It begins, before school years, with parents' first encroachments on their children's free unashamed sexuality and continues right up to the day when they hand you your doctoral diploma with a bleeding, shriveled pair of testicles stapled to the parchment. It's not that sexuality has no place in the classroom. You'll find it there but only in certain perverted, and vitiated forms.

PERVERSION IS INTELLECTUAL

How does sex show up in school? First of all, there's the sadomasochistic relationship between teachers and students. That's plenty sexual although the price of enjoying it is to be unaware of what's happening. In walks the student in his Ivy League equivalent of a motorcycle jacket. In walks the teacher—a kind of intellectual rough trade—and flogs his students with grades, tests, sarcasm and snotty superiority until their very brains are bleeding. In Swinburne's England, the whipped school boy frequently grew up to be a flagellant. With us their perversion is intellectual but it's no less perverse.

Sex also shows up in the classroom as academic subject matter—sanitized and abstracted, thoroughly divorced from feeling. You get "sex education" now in both high school and college classes: every one determined not be embarrassed to be very up-to-date. These are the classes for which sex, as Feiffer puts it "can be a beautiful thing if properly administered". And then of course, there's still another depressing manifestation of sex in the classroom: the "off-color" teacher, who keeps his class awake with sniggering sexual allusions, obscene titters and academic innuendo. The sexuality he purveys, it must be admitted, is at least better than none at all.

UNDERNEATH THE PETTI-PANTS

What's missing from kindergarten to graduate school is honest recognition of what's happening turned-on awareness of what's underneath the pettipants, the chinos and the flannels. It's not that sex needs to be pushed in school; sex is pushed enough. But we should let it be, where it is and like it is. I don't insist that ladies in junior high school lovingly caress their students' cocks (someday, maybe); however, it is reasonable to ask that the ladies don't by example and structures teach their students to pretend that they aren't there. As things stand now, students are psychically castrated or spayed—and for the very same reason that black men are castrated in Georgia: because they're a threat.

So you can add sexual repression to the list of causes, along with vanity, fear and will to power, that turn the teacher into Mr. Charlie. You might also want to keep in mind that he was a nigger once himself and has never really gotten over it. And there are more causes, some of which are better described in sociological than in psychological terms. Work them out, it's not hard. But in the mean time what we've got on our hands is a whole lot of niggers. And what makes this particularly grim is that the student has less chance than the black man of getting out of his bag. Because the student doesn't even know he's in it. That, more or less, is what's happening in higher education. And the results are staggering.

For one thing damn little education takes place in the schools. How could it? You can't educate slaves; you can only train them. Or, to use an uglier and more timely word, you can only program them.

HANDS IN SOME CLAY

I like to folk dance. Like other novices, I've gone to the Intersection or to the Museum and laid out good money in order to learn how to dance. No grades, no prerequisites, no separate dining rooms, they just turn you on to dancing. That's education. Now look at what happens in college. A friend of mine, Milt, recently finished a folk dance class. For his final he had to learn things like this: "The Irish are known for their wit and imagination, qualities reflected in their dances, which include the jig, the reel and the hornpipe". And then the teacher graded him A, B, C, D, or F, while he danced in front of her. That's not education. That's not even training. That's an abomination on the face of the earth. It's especially ironic because Milt took that dance class trying to get out of the academic rut. He took crafts for the same reason. Great right? Get your hands in some clay? Make something? Then the teacher announced that a 20 page term paper would be required with footnotes.

At my school we even grade people on how they read poetry. That's like grading people on how they fuck. But we do it. In fact. God help me, I do it. I'm the Simon Legree of the poetry plantation. "Tite that iamb! Lift that spondee!" Even to discuss a good poem in that environment is potentially dangerous because the very classroom is contaminated. As hard as I may try to turn students on to poetry, I know that the desks, the tests, the IBM cards, their own attitudes toward school and my own residue of UCLA method are turning them off.

MAKE THEM WILLING SLAVES

Another result of student slavery is just as dangerous—students don't get emancipated when they graduate. As a matter of fact, we don't let them graduate until they've demonstrated their willingness—for 16 years—to remain slaves. And for important jobs, like teaching, we make them go through more years just to make sure.

What I'm getting at is that we're all more or less niggers and slaves, teachers and students alike. This is the fact you have to start with in trying to understand wider social phenomena, say, politics, in our country and in other countries.

Educational oppression is trickier to fight than racial expression. If you're a black rebel they can't exile you; they either have to intimidate you or kill you. But in high school or college, they can just bounce you out of the fold. And they do.

Rebel students and renegade faculty members get smothered or shot down with devastating accuracy. In high school, it's not usually the student who gets it; it's more often the teacher. Others get tired of fighting and voluntarily leave the system. But dropping out of college for a rebel, is a little like going North, for a Negro. You can't really get away from it so you might as well stay and raise hell.

ORGANIZE FOR FREEDOM NOW

How do you raise hell? That's another article. But for a start, why not stay with the

analogy? What have black people done? They have, first of all, faced the fact of their slavery. They've stopped kidding themselves about an eventual reward in the Great Watermelon Patch in the sky. They've organized. They've decided to get freedom now, and they've started taking it.

Students like black people, have immense unused power. They could theoretically, insist on participating in their own education. They could make academic freedom bilateral. They could teach their teachers to thrive on love and admiration rather than on fear and respect, and to lay down their weapons. Students could discover community. And they could learn to dance by dancing on the IBM cards. They could make coloring books out of the catalogs and they could put the grading system in a museum.

They could raze one set of walls and let life come blowing into the classroom. They could turn the classroom into a "field of action" as Peter Marin describes it. And they could study for the best of all possible reasons —their own resources.

They could. They have the power. But only in a very few places, like Berkeley, have they even begun to think about using it. For students as for black people, the hardest battle isn't with Mr. Charlie. It's with what Mr. Charlie has done to your mind.

Farber teaches English at a college in Los Angeles. Reprinted from The Indian Head.

THE SENATE

Tuesday, September 24, 1968

The Senate met at 3 p.m. the Speaker in the Chair.

Prayers.

PRIVATE BILLS

CANADA TRUST COMPANY—FIRST READING

Hon. J. Campbell Haig presented Bill S-6, respecting Canada Trust Company.

Bill read first time.

Honourable Mr. Haig moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

THE HURON AND ERIE MORTGAGE CORPORATION—FIRST READING

Hon. J. Campbell Haig presented Bill S-7, respecting The Huron and Erie Mortgage Corporation.

Bill read first time.

Hon. Mr. Haig moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of The Canadian Wheat Board for the Crop Year ended July 31, 1967, certified by the Auditors, pursuant to section 7(2) of the Canadian Wheat Board Act, chapter 44, R.S.C., 1952. (English and French texts).

Report by the Tariff Board, dated May 6, 1968, relative to the Investigation ordered by the Minister of Finance respecting Equipment for Hospitals and other Institutions, Reference No. 134 (English and French texts), together with a copy of the transcript of the evidence presented at public hearings (English text), pursuant to section 6 of the Tariff Board Act, chapter 261, R.S.C., 1952.

Report of Canadian Patents and Development Limited for the fiscal year ended March 31, 1968, certified by the Auditor General, pursuant to sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the National Research Council, including the Report of the Medical Research Council, for the fiscal year ended March 31, 1968, pursuant to section 16(3) of the Research Council Act, chapter 239, R.S.C., 1952. (English and French texts).

Copies of Amending Orders Nos. 9, 10 and 11 made by the President and Puisne Judges of the Exchequer Court of Canada to the General Rules and Orders of the Exchequer Court of Canada, pursuant to section 88(2) of the Exchequer Court Act, chapter 98, R.S.C., 1952. (English and French texts).

Copies of Amending Order No. 10 made by the President and Puisne Judges of the Exchequer Court of Canada to the General Rules and Orders regulating the Practice and Procedure in Admiralty cases in the Exchequer Court of Canada, pursuant to section 31(4) of the Admiralty Act, chapter 1, R.S.C., 1952. (English and French texts).

Order No. 1 made by the President and Puisne Judges of the Divorce Division of the Exchequer Court of Canada, pursuant to section 19 of the Divorce Act, chapter 24, Statutes of Canada, 1967-68. (English and French texts).

General Order of the Judges of the Supreme Court of Canada, dated June 17, 1968, amending the Rules of the Supreme Court of Canada, pursuant to section 103(4) of the Supreme Court Act, chapter 259, R.S.C., 1952 (English and French texts).

Report on Proceedings under the Industrial Relations and Disputes Investigation Act for the fiscal year ended March 31, 1968, pursuant to section 68 of the said Act, chapter 152, R.S.C., 1952. (English and French texts).

Report on Proceedings under the Canada Labour (Standards) Code for the fiscal year ended March 31, 1968, pursuant to section 49 of the said Code, chapter 38, Statutes of Canada, 1964-65. (English and French texts).

Report of the Industrial Pensions and Annuities Branch of the Department of Labour on Operations under the Government Annuities Act for the fiscal year

ended March 31, 1968, pursuant to section 16 of the said Act, chapter 132, R.S.C., 1952. (English and French texts.)

Report of the Postmaster General for the fiscal year ended March 31, 1968, pursuant to section 77 of the Post Office Act, chapter 212, R.S.C., 1952. (English and French texts).

Report of the Agricultural Stabilization Board for the fiscal year ended March 31, 1968, pursuant to section 14 of the Agricultural Stabilization Act, chapter 22, Statutes of Canada, 1957-58. (English and French texts).

Report of the Agricultural Products Board for the fiscal year ended March 31, 1968, pursuant to section 7 of the Agricultural Products Board Act, chapter 4, R.S.C., 1952. (English and French texts).

Report of the Canadian Dairy Commission for the fiscal year ended March 31, 1968, together with Financial Statements and Auditors' Report, pursuant to section 22 of the Canadian Dairy Commission Act, chapter 34, Statutes of Canada, 1966-67. (English and French texts).

SUPREME COURT ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin presented Bill S-8, to amend the Supreme Court Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

SCIENCE POLICY

FIRST REPORT OF COMMITTEE ADOPTED

Hon. Mary E. Kinnear, for Hon. Mr. Lamontagne, presented the first report of the Special Committee on the Science Policy of the federal Government:

> Your committee recommends that its quorum be five members.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mrs. Kinnear: With leave of the Senate, I move that the report be adopted now.

Report adopted.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 2 to 51, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

CUSTOMS TARIFF

IMPORTATION OF ELECTRICAL EQUIPMENT—INQUIRY ANSWERED

Hon. Chesley W. Carter inquired of the Government, pursuant to notice:

> 1. Where a Canadian citizen, on a visit to the United States of less than 48 hours' duration, purchases a transistor radio invoiced at $20.00 (American), what is the total Canadian dollar sum he must pay to the Canadian Customs in duties, tariffs, surcharges and other taxes?
>
> 2. Do the same taxes at the same rates apply to all electric appliances or are there exemptions from any of these taxes or lower rates in any instances?
>
> 3. What classes of electrical goods, if any, are exempt from any or all of these taxes or have lower rates applicable to them? What are the several exemptions or lower rates, if any, under No. 3 above?
>
> 5. In what ways, if any, will the Tariff Concessions agreed upon by Canada at the Kennedy Round Negotiations under GATT affect all or any of these duties, tariffs, surcharges and other taxes?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

> 1. In order to avoid any misunderstanding as to the rates of duty currently payable on imported goods, due consideration must be given to Order in Council P.C. 1968-816, dated April 25, 1968. The effect of this Order is to remit duty to the extent by which it would have been reduced had the resolutions affecting the Customs Tariff introduced in the House of Commons on June 1, 1967, and November 6, 1967, been enacted. The sales tax payable on the duty being remitted is also remitted.
>
> Therefore, a transistor radio valued at $20.00 U.S. funds, imported into Canada under the conditions mentioned, would

be subject to duty and taxes as detailed hereunder:

Value in Canadian funds (exchange rate 1.075)	$21.50
Duty at 19% ad valorem applicable under proposed tariff item 44533-1	4.09
Sales tax at 12% levied on duty paid value ($25.59)—value for duty plus duty	3.07
Excise tax at 15% levied on duty paid value	3.84
Total duty and taxes—	$11.00

2, 3 and 4. The Customs Tariff contains various provisions for electric appliances and electrical goods. In general, the effective most-favoured-nation rates are in the range of 15 per cent to 22 per cent ad valorem. Appliances such as food blenders, mixers, mincers, can openers, fans and hair dryers are dutiable at 15 per cent ad valorem. Phonographs, record players, radio and television receiving sets are subject to duty at 19 per cent ad valorem. Electric apparatus not otherwise provided for is dutiable at 20 per cent ad valorem. Apparatus for cooking such as frying pans, toasters and coffee makers are dutiable at 22 per cent ad valorem.

The articles mentioned above are all subject to the sales tax of 12 per cent levied on the duty paid value.

In general, an excise tax of 15 per cent levied on the duty paid value, is applicable on articles such as phonographs, record playing devices and television receiving sets. Radio broadcasting receiving sets are also subject to the 15 per cent excise tax but such tax may not be less than two dollars per set.

5. The tariff reductions applicable to electrical goods agreed to in the Kennedy Round Negotiations under GATT, have, in effect, been applied as from January 1, 1968. Some of the rates of duties referred to above are to be further reduced on the first of January of each year until 1972. In general, the overall reductions will

The sales and excise taxes are not directly affected by the Kennedy Round range of from 2½ to 7½ percentage points. Agreement.

Hon. Chesley W. Carter: Honourable senators, I should like to thank the Leader of the Government for answering my inquiry. The material which has been provided to me serves a two-fold purpose. It demonstrates the very complicated character of our tax structure and confirms that the manufacturers of phonographs, record players, radio and television receiving sets receive a protection in excess of 50 per cent.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. Paul Martin: Honourable senators, the first item on the Orders of the Day stands in the name of the honourable Senator O'Leary (Antigonish-Guysborough) for the resumption of the debate on the Speech from the Throne. I have asked him if he would agree to my proceeding with the second item on the Order Paper first, which I believe should not take long. He has kindly consented. Therefore, with leave of the house, I move the second reading of Bill S-2, an act to amend the Publication of Statutes Act.

Hon. Jacques Flynn: Mr. Speaker, on a matter of procedure, I think that we should first stand Order No. 1 and then call Order No. 2.

PUBLICATION OF STATUTES ACT

BILL TO AMEND—SECOND READING

Leave having been given to proceed to Order No. 2.

Hon. Paul Martin moved the second reading of Bill S-2, to amend the Publication of Statutes Act.

He said: Honourable senators, no matter how long one has been in the other place, he has much to learn of the procedures of this house. With the assistance of honourable senators I hope that I can solidly, if not quickly, learn.

Honourable senators, this bill was introduced in the Senate in the last session of Parliament by the then Leader of the Government, Senator John Connolly. The bill was given second reading in this house, was considered by the Standing Committee on Banking and Commerce, received third reading and was passed. It was not finally disposed of in the other house, because of events prior to the last general election.

The bill purports to give the Governor in Council authority to publish the statutes in a certain form. At the present time, under the Publication of Statutes Act, the statutes must

be published in separate volumes, in French and in English. In the measure before honourable senators, the intention is to enable the Government to provide that the statutes be published in some other form.

It is necessary to introduce this bill because the Revised Statutes of Canada, which will be published in the course of the coming year, will be printed in the form recommended by the Commission for Revision of Statutes. As mentioned by Senator Connolly (Ottawa West) when he introduced the previous bill, it was the intention to provide that the Revised Statutes be in both languages on the same page and in the same volume. As the Revised Statutes will be done in this form, the Government feels it would be desirable to publish the annual statutes in the same form.

Section 133 of the British North America Act provides that the laws of Canada shall be published in both languages; but it does not provide that they shall be published together, side by side. As a matter of law, they have been published in separate volumes. The intention to publish the two texts in the same volume—as is proposed in this measure—would ensure that the laws of Canada are published in their entirety within the same set.

It will be recalled that the Minister of Justice of that time outlined to the committee the reasons that the Government had in mind under this bill. It has been the interpretation of the courts that both languages have equal authority and that, in the case of some doubt arising as to the interpretation of a statute, that language will prevail which appears to the court to be the closer to the intention of Parliament. This being the case, for strictly legal and constitutional reasons alone, to say nothing of political and symbolic reasons, it has been decided by the Government that in its judgment it would be prudent to make sure that every edition of the statutes be printed in both languages, in such a way that any lawyer, judge or other person who uses the statutes would have at his hand the complete statutes and not have them only in one language.

Finally, honourable senators, though there are good reasons apart altogether from the practical value of this arrangement, the Government feels strongly that the symbolism attached to this arrangement is very desirable in Canada at the present time.

Hon. Arthur W. Roebuck: Honourable senators, may I ask a question at this point?

When this matter came before us several days ago I raised a question as to the size of the book in which the dual languages will appear, pointing out that if the books are too wide they will be very inconvenient on the shelves of the libraries of most of our law firms—and in the courts, as someone has suggested to me.

There are advantages, of course, in having the text in both languages before everyone who reads the statutes. On the other hand, there are advantages in the old system, because those who know English will read only the English, whether or not the French is before them; and those who know only French will read the French. One book in either French or English may be sufficient. However, the new books will be less convenient for some practitioners but more convenient for others.

The point I raised as to the size of the new book in relation to its placement on the shelves of the libraries is very important. Shelving is usually much too short in every firm or office that I know of. It is certainly short in my own office, and I would regret if the size of the new books were not consistent with the dimensions of the old books so that they may occupy the same shelf space.

Hon. John M. Macdonald: Honourable senators, I am wholly in favour of the bill, at least in so far as its principle is concerned, because I think that having decided to print the revised statutes in a particular way it is only logical that the same form should apply to the annual statutes. As to what that form is, it should be left to the Governor in Council to decide.

I do have a word to say concerning two clauses, however. You will notice that the new subsection 3 provides:

> "(3) Copies of the volume or volumes referred to in subsection (2) shall be printed by the Queen's Printer, who shall, as soon after the close of each session as practicable, deliver or send by post or otherwise, in the most economical manner, the proper number of copies to"

In my opinion the last part, referring to the Queen's Printer's sending it in the most economical manner, should be deleted. The most economical manner might be a very slow manner. It might be a case of waiting until somebody is going to some far distant region and then asking that person to deliver it. I do think the officials of the department should take a look at that section to see if it could be a little more appropriately drafted.

The second point I would make refers to section 11(3), which states that:

> The Statutes of each session shall be bound, if practicable and convenient, in one volume.

This is perhaps the same point that Senator Roebuck made, that to try to print these in one volume might be out of the question. I think it will be. The volume containing the 1966-67 statutes is large. It measures four and seven-eighths inches between the covers, it is a heavy, cumbersome volume, and very awkward to handle.

Therefore, I do think there should be more discretion, as it were, left to the Queen's Printer rather than to try to give him directions as to how many volumes should be used, because with this method of printing the volumes it is going to be a sheer impossibility to get everything into one volume.

Moreover, I would bring to the attention of the Senate that the present subsection 2 of section 10 mentions that:

> The two Parts shall be bound together in one volume, unless it is impracticable or inconvenient so to do, and in such case the Queen's Printer may authorize the Parts to be bound in two or more volumes.

In other words, by subsection 2 of section 10, we are giving the general directions to the Queen's Printer. But, it seems to me that under the new subsection 3 of section 11 we are dealing with the same subject matter, and therefore it would be necessary to repeal subsection 2 of the present section 10. That is taken care of under subsection 3 of the new section 11. I would also have the officials of the department take a look at that.

Honourable senators, as I said, we are in favour of the bill in principle, and I have merely mentioned these matters so that they may be discussed in committee.

Hon. Mr. Flynn: Would the honourable Leader of the Government indicate if the present bill is exactly the same as the one which we passed last year?

Hon. Mr. Martin: Honourable senators, the answer is yes.

The honourable senator from Cape Breton (Hon. Mr. Macdonald) suggested for the reasons he gave that this matter might be sent to committee. While I had hoped that this might not be necessary in view of the discussions in committee last year, I am persuaded now in view of what my honourable friend has said that this would be a desirable thing to do. Many of these points can be dealt with in committee. I understand that the chairman has already sent out notices calling a meeting of the committee tomorrow morning at 9.30.

In deference to honourable Senator Roebuck, who has repeated the observations and questions he put the other day, I should like to say that it must not be forgotten that the Revised Statutes of Canada themselves empower and give authority to the Commission of Revision under section 13 of chapter 48 of the Revised Statutes of Canada, 1964-65, for the printing and binding in a style that is consistent with the proposal in this bill. So in any event, at this stage it is clear that the revised statutes will be in bilingual form.

When this matter was discussed earlier, the Minister of Justice was asked what format would be used in the printing of the Revised Statutes of Canada, 1967, and he replied as follows: "Subject to certain technical considerations relating to modern printing equipment, it is contemplated that the format of the revision will be as follows: A two-column, bilingual make-up, each column being 16 picas in width on a page of which the outside dimensions would be $8\frac{1}{2}$ x $10\frac{7}{8}$ inches, using a type size for the text of 10/11 point modern, varied for schedules to 8/9 point modern and 7 points for marginal notes. The spacing between columns would be 12 points."

The proposed Revised Statutes of Canada will be approximately $8\frac{1}{2}$ inches x $10\frac{7}{8}$ inches. This means that they will be approximately $1\frac{1}{2}$ inches wider and one inch taller than the present statutes. They will be approximately the same size as the Quebec Statutes, although very slightly wider and about one inch taller.

I do not know whether honourable senators have seen the Quebec Statutes. I have here a volume of those statutes in their present form with their bilingual characterization, and I also have here a volume of the Revised Statutes of Canada. It will be seen that the statutes of the Province of Quebec in their bilingual form are not as tall but are perhaps an inch wider. If we want to have the greatest uniformity of size, we will have to take into account the new format for the Revised Statutes of Canada.

I am led to believe that this format of the revised statutes was considered the best that could be worked out without sacrificing either

the bilingual character or the readability of bills and statutes. Obviously it is desirable that the bills in the annual statutes be printed in conformity with the revised statutes. This explains in some measure the format of the bills now being introduced in the Senate and how they are prepared. As honourable senators will have observed, the pages as they now appear are somewhat larger than they previously were, but I would add that when they appear in final form a little space will be saved by the trimming and binding. I understand that some attempt will be made to reduce the width of the layout of the statutes in bilingual form, as I mentioned in reply to Senator Roebuck last week.

I hope these answers, if not entirely satisfactory to honourable Senator Roebuck, will indicate to him and to all honourable senators that we are addressing ourselves to this question.

Hon. Mr. White: May I ask the honourable leader whether he could give any indication of what the cost of the new statutes will be? By that I mean the cost to the individual buying them.

Hon. Mr. Martin: I understand there will be a difference of $1.25 per copy, or approximately 15 per cent.

Hon. Mr. Choquette: May I ask the honourable leader a question? One statement he made rather disturbed me.

I understood him to say that if there is a conflict in interpretation when a statute is used in court, that the presiding judge will try to seek and find out the true intention of the legislature. It had always been my understanding that if there was such a conflict in interpretation, then because the statutes were first drafted in the English language, naturally and necessarily the court would have to revert and interpret the English-language version. I mention this because a translator is not necessarily a connoisseur of statutory language and it could happen, as I understand is happening at the present time only in the Province of Quebec, that you have Quebec lawyers using to their advantage the French version, which might not be a correct translation of the English version. Therefore, I should like to ask if the authority for what has been advanced by the Leader of the Government is correct when a judge is faced with a dilemma of that sort.

Hon. Mr. Martin: I believe my statement is correct, that the function of the court is to determine what was the intention of Parliament, and if there is any doubt about one version as opposed to the other, both versions are analysed by the court, and it reaches a determination of the text which it believes represents most accurately the intention of Parliament.

This was carefully gone into in committee last year and there is a reference or dissertation of almost two pages on this subject by the Minister of Justice. I gather from the comments made by members of the committee, particularly by lawyers, that there was no disagreement with this statement of the rule of interpretation.

Hon. Mr. Flynn: Is there not a rule in the Interpretation Act? I know there is one in Quebec along the lines the honourable leader has indicated.

Hon. Mr. Martin: I understand there is. My impression in that respect is strengthened by honourable Senator Hayden, who says that that is the case. He is more familiar with this than I am.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Martin, bill referred to the Standing Committee on Banking and Commerce.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

The Senate resumed from Thursday, September 19, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Hon. Mr. Phillips (Rigaud), seconded by Hon. Mr. Eudes, for an address in reply thereto.

Hon. Clement A. O'Leary: Honourable senators, I want to begin by congratulating His Honour the Speaker on his appointment, which I heartily endorse.

I join with my Leader (Hon. Mr. Flynn) and previous speakers in this debate in welcoming the Honourable Paul Martin to this chamber, and in his capacity as Leader of the Government. I wish him the same degree of success here that has so characterized his long parliamentary career to date. After the richly deserved tribute that he paid his predecessor, Senator John Connolly, I know he will understand why I should at this time indicate a note of personal regret that Senator John

Connolly has stepped down. That he is still with us in good health, with the same warmth, charm and wise counsel, is, of course, compensation in part.

The mover and seconder of the motion for an Address in reply amply deserve the public congratulations they have received for their maiden efforts in this chamber, and I add mine. Senator Eudes is, of course, a parliamentary veteran. This was very obvious in his presentation.

My venerable namesake on my left (Hon. Mr. O'Leary, (Carleton), did such a masterful job of warmly commending Senator Phillips (Rigaud) that for fear of distortion I will not attempt to paraphrase his praise, to signify my hearty approval. Instead, I simply say, "Amen."

Most honourable senators who have spoken thus far in this debate have indicated a wish that this Upper House might occupy a more prominent and meaningful role as a parliamentary entity. I am sure that most of us have read everything of substance that has been written on the Senate. On Wednesday last our Government Leader (Hon. Mr. Martin) quoted at some length from two of the better recognized authorities, who are not members of this body, indicating that some of our critics apparently have not done their research too well, but, notwithstanding, improvement is not only possible but very desirable.

I recognize that of ourselves we can effect some modifications and procedural changes, and we can even add to our workload, but to achieve improvement we must first be invested with the authority to attain those goals which our better critics advocate, and we would welcome the opportunity of undertaking that which they advocate. I would hope that our Government leader and perhaps some other honourable senators may already have had a preview of the possibilities for this authority.

Although not quite akin—at least, it does embrace the possible workload of the Senate—I want to congratulate Senator Croll on the two motions that stand in his name on the Order Paper. As to his first resolution, I note that some members of the other place are advocating a similar type of committee. When we hear from Senator Croll in support of this resolution, I know that he will make his position clear so far as the Senate is concerned.

His second resolution, for the setting up a special Senate committee "to investigate and report upon all aspects of poverty in Canada," as has already been noted by the Government Leader, follows quickly upon the recommendation in the Fifth Annual Review of the Economic Council of Canada. Such action on Senator Croll's part is typical and commendable. I hope I will have an opportunity to say something further on this motion when he moves it.

Whether or not I should admit it, I did not volunteer to speak in this debate. I was drafted—perhaps I should say "conned" into it—by our affable and disarming Whip. So, I make no apology if I do not confine myself to remarks on the Throne Speech itself.

By way of direct reference I will only say that I, along with a host of other Canadians, deeply regret that the customary courtesy was not extended our Queen. I do not attribute motives for the omission, neither do I care to accept the Prime Minister's explanation for it.

When I came to this chamber from the other place six years ago, I found it difficult to disassociate myself from regional and, yes, even parochial issues. I still do, but of course I do not apologize for that either. I am not going into a tirade over the dropping of the federal winter works program. That subject was referred to by my seatmate, Senator Welch, and, as members of our Finance Committee will recall, it was quite thoroughly discussed at some of the meetings of that committee. I believe that most senators from my home province will agree with me that the contribution of this program to Nova Scotia was not too significant, although at the same time we must recognize that in our Maritime economy any measure that helped alleviate unemployment did serve a very useful purpose, whether or not our provinces or municipalities took advantage of it to the degree that, for example, the Province of Quebec did.

Education, training and re-training in the fields where there is a genuine demand appear to be the long-term answer for providing at least something close to full employment. Danger points are reached, however, and if this should be the present circumstance, as now appears, perhaps certain types of crash program should not be looked upon as too old-fashioned by our modern concerned.

Last week I listened to a local radio news report which told of the alarm expressed by the City of Ottawa's Welfare Council over the fact that they were experiencing a huge deficit in their welfare program. One of the several reasons listed was a statistic to the effect that in the past two years the city's unemployment figures had risen by 56 per cent. Consider, too, the 30,000-plus Canadian university students who were unable to find employment this last summer. And so one could go on, with a lengthy list of deprivations which resulted. But, enough of statistics. We know the problem with us is urgent, and I do believe that the provision of some short-term solution is as necessary as the long-term one being promoted by the Department of Manpower and Immigration.

At this time I do not feel that it would serve any useful purpose to recall the chaos which occurred in this program when the federal Government initially took it over in its entirety, in so far as the processing of applications and financing were concerned.

If I may offer a more timely criticism, and one that has not been totally faced as yet, it is the continuance of training programs in trades which, if not obsolete, are becoming close to it, or at least the demand for such skills is constantly lessening.

Perhaps this criticism is not valid generally, but I do know that it does apply in the Atlantic region. If I recall correctly, the Economic Council of Canada in its fifth report made some reference to this point. So perhaps present or future courses are being planned to overcome this sort of thing.

On this subject I believe, too, that notwithstanding the arguments of the proponents of the present program as it exists, there still remains a void for the young people who just do not succeed academically and who leave school for that reason alone. Many of these who do not have the means, and whose parents cannot afford to provide for them away from home at the location of the trade or technical school, are discriminated against by the regulations which require that they be out of school one year, or that they be in the labour force for a period of three years, before being eligible for the living allowance. Surely, some simple test might be devised whereby it might be determined when academic drop-out is justified and training before entering the labour force should be provided.

I am sure that Senator Donald Cameron—and I am sorry he is not in his seat at the moment—read some of the news reports on Friday indicating that Thursday's issue of the Senate *Hansard* had become a best seller. For this in itself I do not know whether I should congratulate or criticize Senator Cameron, because I am fearful that too many thrill seekers read only the appendix, and did not even glance at Senator Cameron's brilliant and knowledgeable exposé of student revolt in our universities. I do not know whether there is a better procedure that we might have followed than that of having the article "The Student as Nigger" appear in the record of our proceedings, but upon reflection I believe that Senator John M. Macdonald's suggestion to have the document appear as though it had been read would have overcome this undesirable effect to which I have referred. Senator John Connolly objected on the grounds that we might "create a very bad precedent" by having the document so appear. Although I realize it is trite for me to say that all precedents are not necessarily "very bad," here is an instance, at least to my mind, where I sincerely believe that by establishing such a precedent we could have averted the danger of possibly creating a bad impression.

I shall not transgress the rules of this chamber further, or offend honourable senators, by criticizing a unanimous decision already taken. Instead, I want to amplify my observation that Senator Cameron showed brilliance and knowledge in his treatment of the subject of student revolt. I know all honourable senators will agree with me that such a subject could not have been more timely or more urgent; nor is there a better forum than this house in which to present the objective and lucid treatise which we were privileged to hear, and the public is privileged to read.

It is not my intention to attempt to make possible another best seller today, because I have no document that I can ask to be appended to our proceedings. Notwithstanding my remarks about the thrill seekers, I would hope—and I believe this is so—that concerned Canadians are aware that the subject of student unrest has been introduced here by Senator Cameron, and, like myself, I am sure that they will be interested to note the reaction of some other honourable senators and hear their views.

Over the weekend I talked with a number of students, and their parents as well. I know I need not tell you of the worry and anxiety

of these parents over this very subject. I can assure you that they were more than heartened by knowing that this chamber has shown an interest in the problem.

For my part, I can do no better than commend, amplify if possible, and even repeat some of Senator Cameron's remarks. For example, after outlining what he felt were just causes for student unrest, based on their social and economic perspective of the world about them, he summarized as follows:

> Therefore, when you see the picture from the student's eye-view it is small wonder that he becomes disullisioned with the results of our democratic society whose roots are supposed to be nurtured in the halls of learning. Saying this is not to justify or condone the extremism of many of the irresponsible and even dangerous advocates of student power, one of the most meaningless phrases in the lexicon of modern journalese.

Surely these words convey the ultimate in objectivity by the sympathetic understanding shown for all students and young people, and yet they deplore the extremism of the small minority whose words and actions break faith with their colleagues, and blemish the reputation of such a large and respected group in our society—the group which will no doubt shortly lead this nation in its every endeavour.

Senator Cameron referred to student revolt as "only one aspect of a growing and universal demand for change in directions, purposes and directives of our society." Most of us will recall that even as late as the 1950s students did not look beyond their own experience. They accepted what they were taught, and were not only content to remain within the niche assigned them but welcomed the fettered security it offered them. In 1957 the poet Karl Shapiro wrote:

> Passivity is the last word we expect to use to describe a generation of students but that is the last word that applies to the American university of the last few years.

Let us go back to 1940 when students were a very small minority of the population, and when they came chiefly from the wealthier families. The few who worked their way through college were so intent upon securing a training for a decent living that they found no time to interest themselves with other affairs. But, by 1960, college became the norm, not the exception; hence, there developed a broad national student community which interested itself in areas far beyond the campus and academic life.

American students' first real involvement came during the Freedom Rides of 1961, when many of them went south to observe at first hand the brutality, prejudice, and hate existing there. They attempted to help organize the Negroes for voting, and found themselves up against a stone wall because the system was entrenched and unyielding. They came quickly to the conclusion that a rather wide barrier existed between authority and justice, and they laid the blame squarely on the shoulders of their elders. So for them, Berkeley became equated with Mississippi, and we know the rest of the story to date —student participation and leadership in strikes, boycotts, protests, violence, and destruction—and this was carried forward to the campuses themselves as a protest against university administrators.

Senator Cameron has told us of the efforts presently being made in many of our Canadian universities to meet the challenge of change, to welcome representatives of the student body on faculty councils, on the senates, and, as a more recent innovation, on the boards of governors.

This, honourable senators, is the granting of a right, not a privilege, to participate in a democratic society, and it should not be interpreted by anyone as a mere compromise gesture. I would suggest that the average Canadian student—certainly the majority of our students—recognizes and appreciates his up-dated status. Their good common sense and intelligent approach can continue to gain for them many heretofore denied privileges as well as rights, and will permit them to participate as acceptable, responsible citizens.

But what of some of our present-day leaders of the Canadian Union of Students to whom Senator Cameron referred and whose words he quoted in part? I too saw and heard the things to which he referred, as no doubt many honourable senators did. What has been the general student reaction to their inflammable words of violence? What went wrong with the democratic process when these men were elected to office? Or had they made known their extremist views prior to seeking office? If they did not, and they are now recognized for what they are, is it not time that the intelligent rank and file of the Canadian Union of Students mounted a protest in this direction and rid themselves of such people?

It is fitting and proper that we who have an intimate knowledge of the true character and worth of our students should warn them of the dangers inherent in such misdirection, but it is even more desirable that our students themselves act now on their own behalf. It should not be necessary to remind them of this; nevertheless, perhaps I could do no better than quote the words of Senator Edward Kennedy in his book *Decisions for a Decade* published this year:

> Violence and disruption are not in keeping with the intellectual tradition of a student generation. Dissent should express more than crude emotionalism; slogans on buttons are no substitute for knowledge of issues. As Justice Holmes said, the true test of a liberal mind is its passion for facts. More than any other Americans—

And here for our purpose we can validly substitute "Canadians".

> —students have the opportunity to meet this test. They have the time and the mental energy. They can examine society's defects critically and expose them temperately.

And then, too, for those who might despair in their efforts because of their disillusionment with society, I use one further quote from the same book by Senator Kennedy:

> Our system works through tugging and hauling, the conflict of groups, and the eventual mediation by elected representatives.

As for the sample of literature that has been distributed under the authority of the Canadian Union of Students, under the guise of indoctrination information, suffice to say this only serves as further proof of the intellectual inadequacy of the union's leaders. Surely any one of them ought to have been capable of drafting something at least equally pertinent in substance without resorting to such immoral punctuation.

Honourable senators, national problems of poverty, unemployment, inflation, poor housing, regional disparity and unity are being aired daily in a variety of forums and on all communication media. Student revolt receives scant attention except when ugly incidents occur. I sincerely hope that this chamber will render some small service towards helping resolve this most urgent and disconcerting national problem.

Hon. Chesley W. Carter: Honourable senators, before coming to the substance of my remarks, I should like first to extend my congratulations to you, Mr. Speaker, on the high office to which you have been elevated, for which you are so admirably qualified by your long parliamentary experience and so many natural talents.

I should also like to extend felicitations to the Honourable Paul Martin upon his appointment as Government Leader in the Senate. He has carved out for himself a place in Canadian history, not only as an outstanding parliamentarian but as a world statesman and diplomat. I am sure all Canadians are happy that, following a long and brilliant career in the other place Senator Martin's vast knowledge, experience and ability will continue to be available in the service of Canada as a member of Canada's senior legislative body.

I should also like to pay a tribute to our former Government leader Senator John Connolly, and to our former Speaker, Senator Sydney Smith. Both these gentlemen distinguished themselves and added lustre and honour to this great institution by the extremely able manner in which they filled their respective offices. I am personally indebted to them for many acts of kindness and friendship, and for the assistance and helpful advice they gave me on many occasions, particularly during my first year as a senator. I extend my very best wishes to them and to their wives, and I trust that they will remain among us for many years to come.

I should also like to congratulate all those who have preceded me in this debate, and in particular Senator Phillips (Rigaud) and Senator Eudes, the mover and seconder of the Address in reply to the Speech from the Throne. Their contributions were both lucid and timely. I subscribe fully to the points they emphasized, which I believe are deserving of the greatest consideration. I shall make further reference to some of them in the course of my remarks.

The Speech from the Throne may not be a very exciting document, but it is realistic. Its theme is "the just society" and it is realistic because it warns the people of Canada not to expect any razzle dazzle, such as sixty days of decision, or action calculated to excite the daring and challenge the brave, because the achievement of the just society is a long-term operation. It simply cannot be achieved overnight.

The Throne Speech is realistic because it emphasizes that first things must be put first, that before branching out into new untrodden paths, before developing new programs, Parliament must set its hand to two fundamental tasks: first, the clearing away of urgent legislation left over from previous parliaments; and, second, the modernization of parliamentary rules and procedures so as to avoid waste of time by useless talk. In this way Parliament will be able to deal with its business more efficiently and expeditiously.

Furthermore, the Throne Speech emphasizes that it takes time, energy and resources to implement new programs. After they have been blueprinted, their implementation will of necessity be limited by the resources, financial and otherwise, available at the time. Financial resources in turn will depend upon the rate of increase in productivity achieved by our economy. It is ridiculous to distribute wealth before it has been produced, and it is folly to build a structure of social services too large for our economy to support. Under our present economic system, both these roads lead to economic disaster. Consequently, new programs will have to be implemented on a basis of priorities.

As we look out over the world from our vantage point here in the Senate, the picture is far from reassuring. First, there is the problem of maintaining peace. Fighting is still going on in Vietnam and in Nigeria, while war threatens to explode at any time in the Middle East. The recent occupation of Czechoslovakia by Russian troops has again turned the clock back in Europe and once more has made it clear beyond any shadow of doubt that communism is totally incompatible with the fundamental human rights, liberties and freedoms which we as free citizens enjoy. Russia's rape of Czechoslovakia emphasizes once again that a free society and a communist society cannot possibly co-exist together indefinitely on the same planet.

Next to the problem of maintaining peace come the problems of population explosion, of feeding the starving millions, and assisting under-developed countries in their fight against ignorance, poverty and disease. Here in Canada we have the tremendous problems of achieving national unity and of eradicating poverty; we have problems of air and water pollution, inadequate housing, regional disparity, unemployment, a rising crime rate, growing disrespect for law and order, and the campus problem so ably described by Senator Cameron a few days ago. All these problems are inter-related. We cannot separate the problems at home from the problems of the world at large. In a sense, they are all related to the search for a just society, because justice, like peace and freedom, is indivisible.

It seems to me that, in seeking solutions to our domestic problems we should approach them in the context of world problems, so that we will develop our own just society in such a manner and by such means as will enable Canada to make a more meaningful contribution than we have done in the past towards a just society throughout the whole world.

How can this best be done? The answer to this question will determine what our national purpose will be and the direction in which our nation will go.

In seeking solutions to a problem, the realist will first of all assemble and organize all the available facts related to that problem. The way he assembles and organizes those facts, his interpretation of them and the kind of solution he seeks, will all be determined by his basic philosophy.

All philosophy—political, economic, religious or social—is derived from certain concepts of man himself. Atheistic communism is based on the concept that man is a mere animal. Intelligent, yes, but still only an animal. The divine spark, to which Senator Phillips (Rigaud) referred in opening this debate, is denied by the Russian philosophy; consequently, they hold that man has no worth in himself as an individual being. This concept of the soulless man makes the state the supreme authority and leads straight to the doctrine that only the state can determine what is right and what is wrong, what is good and what is evil, so that individual man acquires worth only in so far as he serves the state. This accounts for the broken promises, the lying propaganda, the double dealing, the cruel tortures, murders and purges so characteristic of communistic society. It is all perfectly consistent with the basic philosophy on which their society is built and therefore, from their point of view, perfectly logical.

By contrast, our western democratic society is based on a concept of man as a created being—a being endowed with free will and linked to his Creator by that divine spark, as Senator Phillips so eloquently emphasized.

From this it follows that there is a higher authority than the state; that right and wrong are determined not by the state but by divine moral law; that man has individual worth within himself as a created being; that he has

a conscience to tell him right from wrong, and that he is therefore responsible to his Creator for his behaviour and dependent upon his Creator for help in the solution of his problems.

From this it follows, also, that man must shape his society in conformity with moral law and order; that the state must be bound by the same moral law as is man himself. Therefore, the state should be the expression of moral order as well as of public power; consequently, the political and economic systems which constitute the state are man's tools and instruments. They are man's creation, having no life save what he gives them; they are his servants and not his masters.

Honourable senators, I have dealt with the basic philosophic differences underlying the communist society and the free democratic society, for several reasons.

The first is that there are many writers, columnists, commentators and professors in the free world who portray communism solely as an economic system and who would have us believe that this is the main difference, if not the only difference, between communism and free parliamentary democracy. Unfortunately, the free world often operates in a way which lends credence to this proposition. With so many examples of the law of the jungle operating in our economic system—of free enterprise neglecting to accept the responsibility which goes with freedom, of islands of affluence surrounded by oceans of squalor, of disregard for the legitimate rights and aspirations of others, of injustices and inequities, of waste of human and material resources, of high talking and low living—it is not difficult for them to find evidence to support their arguments that no matter what the free democracies may profess, or to what moral and spiritual values they may subscribe, in actual practice they are guided by the same materialistic motives as communists, so that really the only essential difference lies in their approach to problems of production and distribution.

It is easy to see how young people, particularly students, can be impressed by such arguments, in the light of evidence they see around them on every side. It is easy to understand their disillusionment with democracy and our democratic institutions, particularly when they have grown up in a permissive environment which makes no demands for self-discipline and gives no challenge for great living.

Nevertheless, the real truth is that communism is based on the philosophy that man is nothing but an animal, whereas our free democracy is based on the philosophy that man is the most important thing in the world because he is created in the image of God. All the human rights and freedoms we enjoy stem from this concept. If this concept is destroyed or discarded, our rights, freedoms, human liberties, and the institutions that uphold them, all perish with it.

These two philosophies are as different as day and night, as different as good and evil. They can no more exist in harmony together on this planet than light and darkness.

How can we trust any agreement with the Russians, knowing that it is worthless, because it has no moral basis to make it binding and the Russians are therefore free to break it without warning whenever it suits their purpose?

Furthermore, these two philosophies are locked in deadly war with each other; and, by means of various kinds of cold war, miniwars and possibly even a major war, this struggle must go on until only one of them survives.

My second reason is that the concept of man as a created being implies the existence of a Creator. Godless communism flatly denies the existence of a Creator; and this proposition is being accepted and preached more and more in our literature, in our theatre, in our schools and universities and to some extent in our churches.

The new emphasis on this doctrine stems from the tremendous strides made by scientific research, particularly in the field of molecular biology. All living things are made up of individual cells, most of which can be seen under an ordinary microscope. Each individual cell contains a nucleus, and each nucleus contains a miraculous substance that governs the vital process of life in every plant and animal cell and, in addition, it carries the blueprint of instructions inherited from generation to generation. The chemical name of this miraculous substance is dioxyribonucleic acid, commonly called DNA for short.

In the 1960s, six researchers discovered the basic structure of this huge, complicated molecule, and all six received Nobel prizes for their work. Later on, scientists succeeded in synthesizing DNA in the laboratory, and, proceeding from there, other scientists created in the lab a molecule that appeared to manifest some characteristics of life, similar to a virus, in that it could assimilate other

protein molecules as food and reproduce itself by dividing in two.

Coupled with these achievements is the minuteness of man as compared with the incomprehensible vastness of the universe which modern research in astronomy has confirmed. We know we live on a planet circling a star 93 million miles away, which we call the sun. We know we are only one of many bodies, planets, moons and asteroids, circling the same sun in what is called the solar system. We know that our solar system is a mere speck in a galaxy called the Milky Way, which contains billions of other solar systems separated by distances so vast they are usually measured in light years.

Light travels 186,000 miles a second. A light year is the distance light travels in 365 days. The North Star is 300 light years away from us and some stars are 26,000 light years distant. Our nearest star neighbour in the Milky Way is 275,000 times farther away from the sun than is the earth.

But that is only one galaxy: The Milky Way. Astronomers tell us the universe contains billions of other galaxies, all thousands of light years apart. By contrast with such vastness, beyond all human comprehension, man is a very small speck indeed. No wonder the psalmist of old cried out:

> When I consider thy heavens . . . and the stars which Thou hast ordained; what is man, that Thou art mindful of him?

Those who deny a Creator say that man is so minute that he is insignificant—as indeed he would be but for the divine spark in him that we say we believe.

These scientific developments have been used by Communists and their fellow travellers as evidence in support of their materialistic philosophy, but one seldom hears any scientific evidence in support of the democratic philosophy. To me the very immensity of the universe is proof of a Creator because all these billions of heavenly bodies separated by such vast distances are all moving in harmony, in obedience to fixed natural laws. All the cosmic action taking place in the universe—old stars exploding, new stars being born—is proceeding in accordance with the same natural laws. Furthermore, we know that the atom, too small to be seen with ordinary microscopes, is nevertheless a solar system in miniature with its nucleus as the star and its electrons as planets, following exactly the same laws as the universe as a whole.

Whence came these laws? Can order come out of chaos? Can cosmic order be maintained without the intervention of a divine intelligence?

There is no proof that the life-like substance produced in the laboratory is in fact the same kind of phenomenon as that which we refer to as life. It would take billions of years to find out whether this lab-created life would evolve into higher forms such as we have on this planet. But even if there was positive proof beyond any shadow of doubt, I, for one, could not accept it as proof that there is no Creator.

The schoolboy who embarks on a high school course in physics immediately comes face to face with two fundamental truths: one is the existence of matter and energy; the other is that, while matter and energy can be changed in many ways, they can neither be created nor destroyed. Modern science has performed many "miracles," but no scientist yet has been able to create matter or energy. The universe is full of matter and energy. Where did they come from? Can something come from nothing? No scientist has ever produced something from nothing. The very existence of matter and energy is, for me, sufficient proof of the existence of a Creator.

My third reason for emphasizing basic philosophy is that it is the framework within which we must diagnose our problems. Wrong diagnoses lead to methods that will not work. Godless Communism, with its concept of soulless man, and other forms of socialism, all teach that social evils do not flow from man himself but from impersonal things such as economic processes and production techniques. Consequently, to cure these social evils and injustices, they say all that needs to be done is to change the system.

Furthermore, Communism teaches that man himself is completely self-sufficient and fully capable by the power of his intellect to find the right solutions to his problems.

On the other hand, the democratic concept of man as a moral and rational being teaches that social evils and injustices flow not so much from the system as from man himself who operates the system. In other words, social evils are due mainly to man's moral failures. This is verified by our own experience. However good a system may be working, it can be gummed up by man's moral failings: his selfishness and greed, his suspicion and mistrust, his hate and fear, his pride and ambition, his bitterness and resentment, and his lust for power, wealth and prestige.

To find lasting solutions to our problems, we must get to their roots, and, if we dig deep enough below the surface, we find that at their roots most of our problems are not social and economic, but are moral.

We know from our parliamentary experience that many of our laws are designed to prevent people from doing things that they know are contrary to moral law and therefore should not be done. Take, for example, tax evasion and how it affects our national income. Take the frauds connected with unemployment insurance claims and other social programs. Take the unnecessary empire building that goes on in the Public Service to satisfy the egos of officials who must keep up with the Joneses. Consider the millions of dollars that are lost to our economy through unnecessary strikes caused either by mutual suspicion and mistrust on the part of industry and labour or by other human barriers between the men who speak for management and the men who speak for the unions.

But there is no way of legislating morality. Man's intellect, however fine, is not capable of solving moral problems. There can be no intellectual solution to our strained relations with France or with the Government of Quebec, or for that matter to the whole problem of national unity. Legislation may help as an indication of good will or good intentions, but fundamentally these are affairs of the heart, not of the head. They cannot be solved on a basis of who is right, but only on a basis of what is right. That takes us back to the moral law and involves a change of heart on the part of all concerned. Man has found he is not able to correct his moral failings by the sheer force of his human intellect or will power. It can be done only with the aid of a power higher and greater than himself, and the foundations of our society are built on the experience that divine aid is available to anyone who believes in it and is humble enough to seek it.

I think it was Lord Acton who said that:

> To expect a change in human nature may be an Act of Faith, but to expect a change in society, without a change in human nature, is an Act of Lunacy.

The Speech from the Throne is admirably forthright and honest with the people of Canada in emphasizing that the Government cannot bring about great changes overnight and that what can be done depends upon the resources available.

We must hope the Government will be equally forthright and honest in emphasizing the fact that human intellect alone, however great, by itself is not able fully to comprehend the problems man himself has made, much less to devise satisfactory solutions to them.

Dr. and Mrs. Will Durant, in their recent book, *Lessons of History*, refer to man's intellect as follows:

> We have put too much stress in recent times on intellect, too little on character; we have sharpened our wits while weakening our restraints. In my youth I used to talk about the bondage of tradition; now, as befits old age, I distrust the fetishism of novelty. We exaggerate the value of newness in ideas and things. It is so much easier to be original than wise. The customs, conventions and beliefs of mankind are the product of the trial-and-error experience of the race through many centuries; and it is unlikely that any individual, however intellectually brilliant, can come in one lifetime to such breadth of knowledge and depth of understanding as to sit safely and wisely in judgment on ancient ways.
>
> Man is wiser than any man. Hence there is something disagreeably shallow about sophistication; it suggests cleverness about the part and ignorance of the whole. Modesty makes wisdom wiser, as it makes beauty lovelier.

Honourable senators, the trial-and-error experience of the race through many centuries is that justice cannot be separated from morality. It cannot and ought not be limited by dollars and cents. Experience has proved that true democracy can function only within a moral framework. Before we can have a just society, we must first develop a righteous society and this is a job for all of us and not merely for the churches and the clergy. These truths to me are self-evident, but we must emphasize them over and over again so that they will not be obscured by the deliberate efforts being made to conceal them. Otherwise we are not being honest with our people and we are not giving them the kind of leadership equal to the challenge of our times.

Canada has just elected a new government with an exciting new leader and great things are expected of them. They must develop creative ideas. They must decide to break entirely fresh new trails if they are to generate the dynamism necessary to cope with the problems that face Canada and the world.

But these fresh new trails and creative ideas must be the product of our basic

philosophy. Facts must be considered, certainly, particularly the most important fact of all, from which all the other tenets of our philosophy stem. But we must also realize that facts are made by acts, and acts are borne out of ideas. We must go back to our ideas and beliefs, redefine them, take a stand for them and create acts that are borne from them. Then, and only then, will the facts of contemporary history change at home and abroad.

Too often in the past we have sought solutions within the framework of a materialistic philosophy. This has only compounded our problems while the hypocrisy of professing one thing and practising another has disillusioned and alienated our younger generations.

For example, labour and management as well as government have approached labour problems on the basis that man is a machine and that, as such, he competes with other human machines. But now he finds himself more and more up against electronic machines which make man obsolete and assign him to the scrap heap. Our manpower retraining programs are designed only to minimize and delay that obsolescence. Our retraining programs are based on the premise that automation is the only cycle man has to pass through, but in fact the cycle itself is part of an overall process of elimination. We now have machines that can replace human brains as well as human muscles. Economists forecast that by the year 2000 approximately 75 per cent of the available work force in Canada will be paid not to work. Where do we go from there? The material concept of man affords no basis for a solution. Shall we continue to lead our people along the blind alleys of the past?

Hardly a day passes without fresh evidence from some part of the world that it is well past the eleventh hour for freedom and democracy. W. H. Wilson, former Deputy Director of Intelligence in the Canadian Navy, begins his article in last Saturday's Ottawa *Citizen* with the following sentence: "The probability of nuclear war in this decade is at the highest point since the dawn of the Atomic Age"—and he goes on to enumerate points in support of that statement. I agree with his assessment.

In its reference to poverty, the Throne Speech states:

> It would be cruel and deluding to pretend that there is a simple, all encompassing or effective remedy.

I submit, honourable senators, that it is equally cruel and deluding to lead our people to think it is possible to create a just society or to find permanent solutions to any of our problems except within the framework of a moral philosophy.

I fully realize that the influence of the apostles of materialism is such that anyone who talks along these lines runs the risk of being ridiculed, labelled as an idealist or a religious fanatic, ignored or written off in some other way, but compared with what is at stake, that is really a small price to pay.

I believe the time has come for us to assert boldly what we believe, and strive to shape our policy accordingly. I am encouraged in this by the fearless example of Senator Phillips in his opening speech. He reminded me of the verse by James Russell Lowell:

> Then it is the brave man chooses,
> While the coward stands aside,
> Till the multitude make virtue
> Of the faith they have denied.

Honourable senators, I believe the world is headed into the most troubled and perilous times in the history of mankind, and I have stressed these points for two reasons. First, I believe that Canada can lead the world into the paths of peace, justice and prosperity, but only if as a nation she herself follows the path of true righteousness inherent in the philosophy underlying our society; and, second, I am convinced that in no other way can nuclear war be averted; in no other way can our economic and social problems be solved, or can Canada be held together as a nation.

Hon. Josie D. Quart: Honourable senators, fully realizing that my words of congratulation are repetitious, nevertheless I cannot deprive myself of the great pleasure of adding my voice to the chorus of deserving praise extended to the honourable Senator Deschatelets upon his appointment to preside over the debates of this chamber.

[*Translation*]

May I be allowed, Mr. Speaker, to wish you all kinds of blessings and good health while fulfilling the duties of your new assignment, and also to assure you of my wholehearted co-operation.

[*English*]

May I also mention it is very delightful indeed for the feminine element in the Senate to know that both the honourable Speaker and the honourable Leader of the Government in the Senate are seconded so graciously

by two charming and devoted ladies—their wives of course—in the performance of their social duties.

I wish to offer to the honourable Senator Martin my warmest good wishes upon assuming the duties of Leader of the Government in the Senate. This chamber is most fortunate in having the guidance of such a distinguished world diplomat and great parliamentarian.

Honourable Senator Martin, I am very sincere in saying that my very best wishes for you are that you will inherit the admiration, respect and deep affection which your predecessor, the Honourable John Connolly, received from both sides of this house.

It is encouraging to see our own leader, the honourable Senator Flynn, and deputy leader, the honourable Senator Choquette, in fine health and spirits because their task as defenders of Her Majesty's Loyal Opposition—a small band on this side of the house—is not an easy one.

To the newly appointed senators, may I add my welcome to what is referred to as the most exclusive club in Canada. Of course this august chamber of second sober thought has been called many other names less complimentary!

I wish wholeheartedly to congratulate the mover and seconder of the motion for an Address in reply to the Speech from the Throne, the honourable Senator Lazarus Phillips and the honourable Senator Raymond Eudes, who made an eloquent and excellent debut, but then their talents were well known long before their maiden speeches in this chamber. They have set a high standard for our debates.

Honourable senators, there is a definite advantage in speaking in this debate, for one is not restricted to the Speech from the Throne. However, if one dwells on the promise of a "just society," the much discussed and sometimes controversial "national unity" comes to mind. For how can a "just society" become a reality if discrimination of race, religion or colour—and I should add poverty—are not first eliminated as much as humanly possible.

I was greatly impressed by the sentiments contained in the speech of the honourable Senator Romuald Bourque on November 21 last. I am very happy to see him in the house, because I have distributed many copies of his speech to interested people. I quote just one paragraph from it:

> My dream has always been that one day Canada would be a truly great and united country; that its differences would be resolved in a spirit of reason and friendly understanding; and that my country would provide an example to the world of millions of people of different ethnic backgrounds, different religions, different colours and races, all living together in peace and harmony, united by their love for a common country which they have all helped to build, and with all their energies directed towards the creation of a better world.

Senator Bourque calls it his dream—and a wonderful dream it is.

Along similar lines, I call these sentiments and objectives my everlasting crusade for national unity, which I have entitled "Outstretched Hands from Sea to Sea," and I join with Senator Bourque in hoping his dream and my crusade will succeed before we pass on to the great beyond.

These days in most Christian churches prayers are being offered for church unity, and as Christians we are striving to overcome our differences, and rightly so, but what about Canadian national unity? As Christians we are taught to do unto others as we would have them do unto us. Also Christians are taught to love their neighbour. Well, if the true Christians would just stop to think about these two lessons, would we have the division which now exists between Canada's two founding races? Are we being hypocritical by pretending to pay lip service to the cause of national unity, without really meaning a word of these high-sounding phrases concerning loving our neighbour and doing unto him as we would have him do unto us? Think about it—and then stand up to your convictions as Christians. Then the Christian philosophy will have a marked influence on the outcome for a strong and united Canada.

My crusade "Outstretched Hands from Sea to Sea" was chosen to make us more conscious of our present problems in Canada and the rumblings of separatism. So I decided to stand up and be counted and to help dispel the panic and fear of separation which, in my opinion, is greatly exaggerated.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mrs. Quart: My optimism may be a "Pollyanna" attitude, but I find it helps to mesmerize yourself and forget your worries for a time by indulging in constructive think-

ing and acting. But the time has come when moderate members of the two founding peoples must speak out clearly and in a spirit of compromise to counteract the viewpoints of the extremists. The refusal of voices of reason to express their opinions is bringing Confederation dangerously close to the breaking point.

I believe that women could play an important role in the cause of national unity, to achieve a country where bigotry and misunderstanding will be reduced to a minimum, a country where common sense tolerance will condition our viewpoint. In mentioning women's role in my crusade I do not wish to exclude men—heaven forbid!—for I am all for teamwork with men. But God must surely have known what He was doing when He entrusted women with the super job of taking little boys and girls and training them to become men and women. And this is when mothers and teachers can stamp out bigotry of race, creed or colour, during the child's formative years.

Now, stop for a moment and think of Canada as a family and you women as the homemakers. Then, I suggest that the woman citizen should apply her gifted homemaker talents to every consideration of national unity. Just as she is capable of fully understanding that different members of her own family have different personalities and aspirations, so also should she grasp and fully understand the legitimate right of the English- and French-speaking members of our Canadian family to have different personalities and ideals. In her own family a mother accepts these different personalities as a natural, human pattern of behaviour, even if somewhat tiresome. Yet were she to use the same yardstick on our national family, much of the confusion and distrust would shrink to the really insignificant place it should occupy in any family.

We must first realize and accept that Confederation is an offspring of a "shotgun wedding" a hundred years ago. It was a marriage of convenience, if you like, but a real, honest-to-goodness contract wherein both partners promised to live together and build a good country for their children. The bickering and controversy now taking place can be compared to a marital row in which two of the biggest single issues at stake are human pride and lack of understanding.

French-speaking separatists—yes, and English-speaking separatists too—are fanning the flame into a great conflagration, or, in other words, into a battle royal which, if unchecked, can only end in sorrowful divorce for both parties, and because it was a marriage of convenience to begin with, its foundations are more easily shaken. But, I submit, honourable senators, that if a woman citizen cares about her country, home and offspring, she will not want this marriage to break up, if only to avoid the ravages and scars of any broken marriage, which in this case means the breakup of Confederation.

If one member of her Canadian family feels that circumstance has given him the short end of the stick, a dedicated woman will assess his complaint within the framework of her human nature. She will not insist that the French-speaking child be a carbon copy of his English-speaking brother. She will help spread the word that his diversity, his different culture and talents can be an exciting contribution, something that the family can boast about. She can help convince him that he, in turn, has nothing to fear from his English-speaking Canadian brother whose own particular talents complement his. Together, the family can make a name for itself as it did gloriously when its members got together last year to build Expo. Neither could have done it on his own. It might have been a fair, but it would never have been the greatest, most beautiful exhibition the world has ever seen. This is what can happen when a family pulls together.

As in every family, there is a certain amount of jealousy; but, there again, the homemaker, the woman citizen, can keep it under control. She can make a bigot look very ugly when he spreads his poison. If someone English says, "I can't stand those French Canadians from the Province of Quebec," or should a French person say, "*Je déteste ces maudits anglais,*" she can get him to stop generalizing and to name the individuals he cannot stand. Obviously, if the reply is that he cannot stand all French Canadians, or the French Canadian says that he cannot stand *tous les Canadiens anglais,* then we can size up the measure of the man or woman and truly label them bigots.

The truth is that there are very fine people on both sides of the language controversy, and neither side has a monopoly on vice or virtue but let us stop the bigots of both sides from influencing the fine people. Our silence gives them wings, but our courage in showing them up for what they are, bigots, would be a patriotic act of valour for the Canada we all love.

We have to accept first the two-language fact in our national home, and although, in fact it does present problems, there is no use in complaining that it is too bad we do not all speak the same language. This complaint leads only down a blind alley, at the end of which is a tower of Babel.

The historical fact remains that Canada is the home of the world's two great cultures, and if we could but dare to rise to the exciting challenge Canada could be unique in North America. I am realistic enough to know that all Canadians cannot be bilingual, but always remember that every additional language we acquire is additional culture. However, there is nothing to stop us from being goodwill ambassadors of bilingualism in Canada. This bilingual image of Canada on the world stage could give us character and a reputation of a country of *bonne entente* in action. Naturally, all this will take time, patience and tolerance, but is not this what goes into the building of any good family worth its name?

Furthermore, I sincerely believe that if there is such a thing as a woman's contribution to national unity, then let her be a woman citizen; let her be the heart of the national family; let her patiently settle national family squabbles, but above all let her take the trouble to make our national family keenly aware of its potential for greatness.

Canada is an inspiring young country. It has been good to many. It has been good to us all. Let us count our blessings, and minimize our problems, but let us get all together to make Confederation work. Like a good mother with adopted children of other races and cultures, Canada wants her many ethnic groups to share with her two founding races, English and French, the advantages as well as the responsibilities of full and equal citizenship in the future development of Canada.

Honourable senators, in gratitude for past and present blessings, and with prayerful hopes for the future, as we have taken our first step into our second century, let our prayers be those of thanksgiving and optimism that Canadians will successfully meet the challenges and opportunities of the next hundred years.

Hon. Romuald Bourque: Honourable senators, it is my intention to deliver the introduction to this speech in French, and then to proceed in English.

[*Translation*]

Honourable senators, I was deeply interested in reading the speech made by Hon. Lazarus Phillips, who moved the address in reply to the Speech from the Throne, and that made by Honourable Raymond Eudes, who seconded the motion. Both these honourable senators are to be congratulated on their able and eloquent presentation which proved interesting to us. Being both newly appointed to the Senate, their reputation has preceded them, and I am convinced that it is not the last interesting speeches we will hear from them.

May I be permitted to tell our Speaker of the preceding legislature, the Honourable Sydney J. Smith, that his talents were very much appreciated and we hope that he and his wife will enjoy a well deserved rest.

To our new Speaker, Honourable Jean-Paul Deschatelets, P.C., we extend our most cordial welcome. Considering his young age, I am sure he will be able to fulfil his duties with dignity and savoir-faire. He has indeed achieved a successful career as lawyer, member of Parliament and minister, senator and now Speaker of the Senate.

Our new Leader, Honourable Paul Martin, P.C., formerly a minister of the cabinet and until recently Secretary of State for External Affairs is a brilliant personality. While discharging his duties in his many important responsibilities in Canada and abroad, during some thirty years in the House of Commons, he has honoured his fellow Canadians. We welcome this wise man who undoubtedly will direct the proceedings of this Chamber with tact and dignity.

To the Honourable John J. Connolly who, because of ill health had to resign the leadership of this Chamber which through his talents he conducted with distinction, we wish him improvement in his health so that he may, during many years to come, participate in our discussions.

We extend to Honourable Jacques Flynn, P.C., the popular Leader of the Opposition, our most sincere wishes for success in the task he is accomplishing with tact and vigour.

To his Deputy Leader, the Honourable Lionel Choquette, we offer our most sincere wishes of good health and happiness. It is without hesitation that we say he is discharging his duties with savoir-faire and great dignity.

To all new senators, I extend a most cordial welcome.

Finally, I would be unforgivable if I did not mention the departure of our former clerk, Mr. John F. MacNeill, Q.C., who has retired. His going is greatly regretted and we wish him good health, happiness and a long life.

We are glad to welcome Mr. MacNeill's successor, Mr. Robert Fortier, Q.C., who was formerly was in charge of the administrative services in the Public Works Department. He is a worthy successor to the former clerk now retired. We are pleased to extend a most hearty welcome to Mr. Fortier and as he is relatively young, we hope he will be with us for many years to come.

[*English*]

Honourable senators, at this time I should like to thank Senator Quart for her kind reference to a previous speech I made in this chamber, and I might add that she was much too kind.

There have been many times in our short history of one hundred years when Canada was faced by what seemed to be unsurmountable problems. We have had to possess great courage, initiative, and patience to survive at all, and we have never been without doubters who have suggested that we should throw in the sponge, give up our pretence at nationhood, and become a part of the United States.

Such talk was not uncommon when I was a boy. In 1911 there were many Canadians in Ottawa who would see in the proposed reciprocity agreement with the United States an end to the Canadian federation. There were others who, like some people today, were less concerned about preserving Canadian sovereignty than they were about preserving a distinct and individual French Canada. Under the leadership of Henri Bourassa, the supreme nationalist of his day, they succeeded in pulling down one of their own race who was then, and who is still today, regarded as one of the greatest of all Canadians.

Sir Wilfrid Laurier had led his people, both French-speaking and English-speaking, in a spirit of harmony, understanding, and goodwill. He was defeated not only by those who feared that Canada could not survive a period of reciprocity with the United States, but also by those who declared, as others declare today, that they were French Canadians first, and Canadians after. Those were difficult days for Canada, but we survived them, and today the alarms of 1911 are forgotten.

In 1917 Canada again became a divided nation. In the heat of war, an Anglo-Saxon majority sought—and unwisely sought, as many English-speaking Canadians now agree—to impose upon their French-speaking confreres a policy of military conscription, and to enforce that policy without due regard for the rights and sensibilities of the minority. There were street riots and bloodshed in those days, and hatreds arose which survive to this day. Much of the prejudice from which Canada suffers in 1968 was born in 1917, and there were many people, both French- and English-speaking, who in the dark days of the First World War believed that, whether or not victory was won, Canada would never again be a united country.

Yet in the days of the depression, when people of all languages and creeds suffered alike, it was French and English working together who held the country together and kept the wheels of industry turning, and in 1939 English and French Canada together went to war in defence of freedom, and French-speaking as well as English-speaking heroes won honour on the fields of battle.

I refer to these past crises only because day after day in the press and on television and radio I see or hear history being misused, not to create understanding in Canada but to promote distrust, antagonism and fear. Victory on the Plains of Abraham in 1759 is not a viable justification for ethnic discrimination more than two hundred years later. Injustices, real or imagined, of 1917 are no excuse for suspicion and intolerance in 1968.

During two hundred years we Canadians have experienced what the people of every other country on earth have experienced—war and peace, feast and famine, prosperity and depression, conflicts between rich and poor, between country and city, town and town, one religious or language group and another. Our difficulties have sometimes been deep and they have left ugly scars, but we have had no civil war like that which ravaged half the United States and left millions of dead; we have had no problems or disagreements as frightening as those which afflict the United States today where blacks face whites and hawks threaten doves.

Our troubles have in retrospect been minor ones, and have never produced a Hitler, a Mussolini or a Joseph Stalin. Our problems today, unlike those which plagued Europe thirty years ago and those which almost destroyed America in the 1800s are simply violent demonstrations of a new generation revolution which is sweeping most of the civilized world. Old wounds are being opened, old prejudices being revived by those who see in the process political gain and a march to

power. This is true, let me say, on both sides of the fence; the breeders of distrust and the fomenters of hatred are not all to be found in one province or one region of Canada, nor do they all speak the same tongue. Nor are French- or English-speaking recruits for organized campaigns of recrimination difficult to find.

In addition to being useful to the promoters of disunity, history has also preached a poor lesson to those of us who think Canada is worth preserving. It has taught us, badly I think, that what seem to be serious troubles will almost always, if left alone, go away. We have become experts in the practice of sweeping our difficulties under the rug. Unfortunately the rug has become threadbare and the difficulties are now showing through. We can no longer hide them from ourselves, and at least one overseas guest has made sure that we cannot even hide them from the rest of the world. The time has obviously arrived when we must do something about the situation which keeps us in constant and aggravating turmoil. There are so many other worthwhile objectives which should be engaging our attention. As a young and enlightened nation we should be contributing so much of value to a disturbed and disturbing world.

On the surface at least we are at last beginning to act in our own national interests. The report of the Bilingual and Bicultural Commission tells us little that in our hearts we did not already know, but it provides the basis for political action. The conference of the premiers in Toronto last November revealed an understanding of the problem, if not a program for its solution, which many of us had felt was lacking at provincial levels. Canadians in high places have demonstrated during the past few weeks and months an unsuspected willingness to compromise and to unbend a little in their long-established attitudes.

This is all to the good. But amidst all the changes of heart and the public utterances of goodwill a few well-considered warnings should have been heard. With justifiable caution the leaders of some provinces and the representatives of some regions in the Canadian Parliament have said: "We understand the situation and we see the need, but we do not know just how well this is going to go down at home."

Who knows what the effects of the last five years or so, or charges and countercharges, heated demands and hot denials, angry insults and bitter retorts have had on the grassroots? Do the people in the cities and towns and down on the farm believe what they read in their newspapers and see and hear on television or radio? If they do, what must be their impressions of their fellow Canadians who live far away and talk in another tongue and whose spokesmen seem to be so unreasonable and so demanding? How many of the people in English-speaking Canada are asking in all honesty, "What does Quebec want?" And how many French Canadians whose ancestors came here three hundred and more years ago are saying, "Why must we go on always feeling like foreigners in the greater part of our native land?"

The problem today is not to persuade the politicians that something must be done but to persuade the people of Canada, all the people, that they must do much more than just accept necessary changes, that they must accept them in the fullness of their hearts. Unfortunately, we cannot legislate friendship and understanding any more than we can legislate happiness. Regard for one's fellows must come from within. No law on earth can make me understand or like someone who speaks another tongue. I can be prevented by law from interfering with his right to use that tongue but nothing can compel me to give him that right willingly except my own belief that he will be a better friend and a staunch-er ally because he has it.

The same fact prevails throughout all our daily life. It is easy to pass a law that every company in Quebec must have a general manager whose mother tongue is French. It is impossible to compel the company's shareholders to give that same French-speaking manager their confidence and the powers he should enjoy unless they are convinced he can exercise those powers in the best company interests.

Laws cannot work without consent of the governed. I will go further and say that laws cannot work without the moral support and agreement of the governed. If French- and English-speaking Canadians are to live together in harmony it will only be because the people of both ethnic groups believe in the importance of such harmony and are willing participants in creating it. The job that is facing us, therefore, is not merely one of legislating for the future peace, security and happiness of Canada, but one of persuading all our fellow Canadians, of whatever origin, that the measures we are proposing are just and reasonable and, above all, desirable.

This is a task which we in Canada have long neglected. Twenty-seven years ago an article appeared in *Liberty* magazine under the title "What is French Canada Thinking?" The article was remarkably prophetic. Much of what was written there is now being said from the platform, in the press and on radio and television today.

In the midst of reporting what he believed to be French Canadian thinking at the time, the author paused to suggest that the reason why French Canadians were so discontented was that over the years "English Canada had failed to conduct a public relations program in French Canada." In other words, English Canada had never told its story to French Canadians and, he might have added, French Canadians had never told their story to English Canadians.

The results of that failure are now apparent. Canadians of the two language groups are so uninformed about the true nature of each other that they might as well be living on different planets.

Separated linguistically and geographically, French- and English-speaking Canadians seldom meet outside the two major cities in Quebec. English Canadian school children have few opportunities to play or study with children of their own age who speak French. The very subjects which are taught in our schools keep them apart. Is it any wonder that when they become adults they are either suspicious or totally unaware of each other's existence?

Such ignorance is not excusable even when it exists between peoples of two different countries in this rapidly shrinking modern world. It is unpardonable in Canada, which prides itself upon being a civilized and internationally minded country.

To dispel such ignorance and to promote understanding and acceptance of each others aspirations and rights must be a major project of both French-speaking and English-speaking Canadians. This is a task which cannot be performed by governments or by political, religious or business leaders alone. It must engage the attention and demand the co-operation of Canadians in all walks of life. It must be in essence a people-to-people program within Canadian borders. French Canadians must meet and talk to English Canadians, read their books, study their history, share their problems; and those who live in English Canada must make the same honest effort to enter into the life of those who speak French.

Many Canadians are, I am sure, already dedicating themselves to this task. One small group with which I am acquainted has already launched its own program towards this end. Under the auspices of Inside Canada Public Relations, professionals in this field, living and working in Vacouver, Calgary, Regina, Winnipeg, Toronto, Ottawa, Montreal and Halifax, have undertaken to apply to this Canadian problem the same techniques which during the war were used to inform Canadians about this country's war efforts and to promote the sale of Victory Bonds and War Savings Certificates and which in 1967 were used to promote the Canadian Centennial and Expo' 67.

They will encourage the pairing of "pen pals" in French and English Canada, student and athletic exchanges, addresses to service clubs and women's organizations, distribution of basic interpretative literature to Canadian homes and constant widespread communication between English and French Canada.

We have heard much about the need for a dialogue between representatives of our two ethnic families. At high levels, this dialogue is now seemingly for the first time well under way. The greater need is for millions of individual communications between the ordinary people whose hearts as well as minds must be dedicated to creating a Canadian unity that truly binds the two nations which together created the Canadian Confederation one hundred and one years ago.

Honourable senators, it is my intention to work with the construction gang and not with the wrecking crew, and I invite all Canadians to do likewise so that we may build a strong and united Canada.

On motion of Hon. Mrs. Inman, debate adjourned.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

PRIVATE BILL

BRITISH NORTHWESTERN INSURANCE COMPANY—FIRST READING

Hon. Hartland de M. Molson presented Bill S-9, respecting British Northwestern Insurance Company.

Bill read first time.

Hon. Mr. Molson moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from earlier this day consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes, for an address in reply thereto.

Hon. F. Elsie Inman: Honourable senators, first, Mr. Speaker, I wish to congratulate you on your appointment to the Speaker's Chair. I am sure we were all pleased to hear that you were called to this high position and we hope you will enjoy your tenure as our Speaker.

It gives me pleasure also to congratulate and welcome the new Leader of the Government, the Honourable Paul Martin. I know that the honourable senator will give to this chamber excellent leadership. He brings with him, as we all know, an unparalleled career in the other place.

We are glad to see the Leader of the Opposition, Senator Flynn, with us again, and also his deputy, Senator Choquette.

I wish to congratulate the mover and seconder of the address in reply to the Speech from the Throne for their excellent and interesting addresses. We hope to hear them speak often in this Senate.

May I extend a very warm welcome to the new senators who have joined this chamber since we last met. I know they will make a great contribution to our deliberations here.

We are happy to see our former leader with us and looking so well. We always regard him with affection and respect. We hope our former Speaker, Senator Sydney Smith, will soon return to this chamber fully restored to health.

During the coming season we all look forward to the implementation of the many pieces of legislation mentioned in the Speech from the Throne. We are, of course, aware that the good housekeeper cleans up the kitchen before preparing the next meal.

We are living in a period of rapid change, and the developments now taking place can have deep and lasting effects on our lives and the lives of those who will follow us. We have today as our Prime Minister a man who may be destined to become one of Canada's greatest leaders. He is young enough to have idealistic dreams, yet old enough to realize that it is not always possible to make the dreams of youth come true, but he has the courage and conviction to try. Mr. Trudeau says he will attempt to get the country moving. We feel that the course he will chart will be a wise one, and that it will result in a united and productive country with a high rate of growth in the national economy.

The Speech from the Throne promises legislation to protect and aid our producers. This is especially welcome to the fishermen, farmers and tourist promoters in my province.

The economic challenges facing Canada at this time in its history require outstanding leadership. The world does not stand still, and we have problems. Trade, for example, is one of them that is of political importance to Canada. There are no easy answers to these problems. But someone has said that there is no such thing as a difficult problem; there are only difficult people. Perhaps we have some of both.

There is need for much greater industrial expansion in this country, especially in the Atlantic provinces, in order to provide employment for steadily increasing labour forces. The need is urgent here because unemployment in this region is consistently higher than in other provinces of Canada. Provincial governments already do a great deal by way of providing assistance to industry, but there is a definite limit to what the provincial governments of the Atlantic provinces can do to attract new industry. It is essential, therefore, that the federal Government should co-operate and assist in the financing of an economic development plan for the Atlantic provinces. Programs have already been undertaken and progress is being made and we hope that these programs will be continued. For instance, in my Province of Prince Edward Island, frozen food plants are operating successfully. In Nova Scotia the fish processing industry is expanding, and in New Brunswick the expansion of small industries is advancing. These programs must be enlarged and kept moving. Newfoundland also has developed large industries.

I would like to speak for a short time about our smallest province, Prince Edward Island, giving you some details concerning our people, its attractions and resources.

The scenery is not startling in the sense of the grandeur of the mighty Rocky Mountains. How could it be when the elevation is only 300 feet? Nevertheless, it is so quietly beautiful that pictures of it linger in the memory of those who have had the good fortune to visit the Island. Our population is about 105,000—made up of Acadian French, Scottish, English and Irish, who all live and work together in unity and peace. Prince Edward Islanders are independent by nature; they are not afraid to initiate something new in their lives. The first airmail service was initiated in Prince Edward Island. The first official airmail flight was made between Truro and Charlottetown in 1919. Prohibition was born there. I might say, parenthetically, that we are not too proud of that one, for it ushered in the rum-running era, a story in itself.

The first automobile to be run in America was built in this small province, and the first under-water telegraph cable in America was laid between Prince Edward Island and New Brunswick. The first Canadian ship to sail to New Zealand was built in this island province and there are many other firsts.

Important in our Canadian natural resources are the rich and fertile lands of Prince Edward Island, which produce magnificent crops, and the water surrounding it, which provides our people with an abundant harvest of fish each year.

Here I would like to say a word with regard to our vacant farms. We have on the Island about 2,500 vacant farms. Some of these will be added to present operations. Some will be bought up by outside interests and will be used as pasture land for beef cattle. But I know from speaking to our young people that many of them would like to stay in the business of farming, if they had the capital to start out on their own. We are all aware that it can take up to $50,000, according to size, to equip a farm. That includes, of course, machinery and stock.

There is a solution for these fertile farms that are lying dormant. I would suggest that since we are able to give so much money, interest free and for long terms, to foreign countries—and this is good and I believe in it—why not assist some of our own young men and women by giving them long-term and interest free loans. This would give them a start and provide an incentive to work the land, and this in turn would increase production and employment. Farming is a good life. It means food, shelter, and a satisfying way of life for those who like the freedom of the great outdoors.

We have going at present a novel adult education and activity program initiated by the Islanders themselves. They decided to work through community schools. This has resulted in a return to the old-time community spirit and the improvement of local social and economic conditions. In its first three years of operation it achieved an enrolment of more than 3,000 persons in the rural districts. Discussion periods are an important part of the program, and the groups consist mainly of farmers and their wives and other adult members of their families. Each week they have a guest speaker: a veterinarian, an income tax consultant, someone from the Department of Agriculture, a member of the teaching or medical profession, and at times a member of the Royal Canadian Mounted Police.

In the final analysis, social contact through these community schools was placed on top of the list of accomplishments. Go to any of these schools and you will find the students learning all sorts of things, including conversational French and public speaking.

I would like to speak at this time on several points of special interest. The Island combines the pioneer days with modern times. Farming, one of our main industries, is carried on still, in a very few places using the old methods, but more and more farms are being enlarged and modernized with the use of modern and more efficient equipment.

Fishing is another important industry with some Islanders and we are very fortunate in having a good supply of different varieties of fish. Lobster fishing brings the highest income to fishermen and in a good season such a fisherman can average $4,000 to $5,000 for the two-month season.

Another branch of this industry recently undertaken is the processing of queen crab. This is a very delicious fish. Shortly before I came back to Ottawa I made a tour of one of the operations and saw the work being done. The manager of this plant told me that they are shipping quantities of queen crab to other countries, including Great Britain where it is very popular. They are hoping this will develop into a major industry.

Scallop fishing is very productive and is a financial success. Tuna fishing has become quite popular among the tourists who have the money to indulge in this sport. Just last Sunday an 849-pound tuna was landed at North Lake, and others were taken earlier. This season a man was brought to Prince

Edward Island, with his boat and necessary equipment, to teach any of our fishermen who might be interested the methods of tuna fishing and the handling of boats used in this sport.

Tobacco growing is another industry which is becoming popular on the Island, especially in the southern part of Kings County, where the climate and soil are particularly adapted to tobacco growing. Each year the acreage for this crop is increasing and many more people are becoming interested in going into this very satisfactory branch of agriculture.

Tourism is fast becoming our greatest income-producing industry and will soon be considered ahead of agriculture and fishing. Our governments are giving us a great deal of assistance in this business. We have more paved roads in our province per capita than any other province in Canada. There is a saying on Prince Edward Island that "If you can move it, give it a pension. If you can't move it, pave it." By the number of paved roads, and others in process of being paved, it looks as though we do not move and pension as much as we pave.

Our historical sites are being marked with cairns and plaques, and in one instance the site of Point de Roma is being excavated prior to its being restored. It will be another of our tourist attractions when completed. Point de Roma is just across the river from my own home, and I was able to sit on my veranda this summer and watch the work being done. On several occasions I also visited the scene and watched the operations. It was really marvellous to look down 20 feet and see stonework and brickwork which looked as though it had been constructed only the week before. One realizes the time and labour that must have gone into this project. Many artifacts have been uncovered and will be preserved in the fort when it is restored. So far, though, no gold, silver or jewels have been recovered.

With your indulgence, I would like to give you a short history of this site. In 1731 Count de Roma was given, by King Louis XV of France, a grant of land in the eastern section of the Island, at a point drained by three rivers now known as the Brudenell, Montague and Cardigan. Here he laid out a model community with great cellars, store houses, a bakery, ice house, and a residence for himself, with dwellings close by for the fishermen, labourers, seamen and traders. Here de Roma lived and planned and dreamed of a future of progress and happiness for the settlers of his little kingdom.

This dream was soon over. In 1745, one week before the fall of Louisburg, a ship was sighted, and armed men from New England came ashore. The whole settlement was sacked and everything of value carried away, and what remained was burned to the ground. Count de Roma and some of his followers escaped through the woods to the north of the Island. Others were either carried away or killed. Thus was written, in anguish and heartbreak, one of the most pathetic stories in our Island history.

The Woodleigh replicas at Burlington, on the estate of Colonel Johnson and his son, which I have mentioned on previous occasions in this chamber, are a real "must" for visitors to our Island. There is nothing like it anywhere in the world, and replicas are being added all the time. I have mentioned many before, but to mention a few there is Dunvegan Castle, large enough to live in, containing replicas of furnishings found in the original Dunvegan Castle in the Isle of Skye. There is Glamis Castle, York Minster, Penn Manor House, the Mill on the Floss, complete with the large waterwheel, Shakespeare's birthplace, Ann Hathaway's cottage, and many others. At present the Tower of London is being reproduced, and it will have 13 towers when finished. So far five towers have been completed, one of which contains replicas of the crown and the crown jewels. Also can be seen here a replica of one of the first Rolls Royce cars, brought over from England, and a building is now being constructed to house this ancient vehicle.

Another new project which opened this past year, and which is of much interest to tourists, is the Acadian Pioneer Village located at Mount Carmel in Prince County. This is a real showplace, and provides a tourist attraction which no one coming to our province should miss. The village consists of cabins which were constructed completely of logs by the people living agound Mount Carmel. All the cabins contain authentic early 19th century furniture, cooking utensils, hunting rifles, dishes and other relics that were kept over the years by the people of the surrounding area. A log church was built, and it is a beautiful piece of craftsmanship. Attractive knotted wood is used, and the simple designs of the altar, pews, pillars and other parts of the church put some of its ornate modern descendants to shame.

This year we had the greatest influx of tourists in the history of our province.

Although in the past years many motels, campsites and parks have been developed, it was practically impossible to transport all the tourists who came to our shores. The ferries between New Brunswick, Nova Scotia, and Prince Edward Island were kept running continuously and even then, unfortunately, there were long waits at the terminals. On one occasion there was a line-up of cars seven and a half miles long, and several times I have seen a line of cars stretching three or four miles up from the pier waiting for the ferry.

A large new ferry is to come into service in October between Tormentine on the New Brunswick side, and Borden in Prince Edward Island. This ferry has already been launched, and it will be a great help in moving people. It will carry, I understand, in the vicinity of 160 automobiles and 1,000 passengers. As the trip across the Northumberland Strait takes only three-quarters of an hour, last summer's traffic problems should not be repeated.

We have, like every other province, our problems, economic and otherwise. These, of course, must be dealt with according to the facilities available for developing resources in our province. Many problems are common to all four Atlantic provinces. However, our problems in Prince Edward Island in respect of poverty are not as great as one would imagine from reading the recent report by Professor Yves Pepin on conditions in the province. We have very little, if any, illiteracy, and I feel quite sure that very, very few, if any, of our people ever go hungry.

Visitors, almost without exception, have nothing but praise for Prince Edward Island's vacation land, although one tourist commented that there were not enough girls, not enough places to drink, and that it was too quiet. These conditions in the future could, no doubt, be remedied. I do not mean to convey to you the idea that Prince Edward Island is Utopia, but life goes on easily, and we have time enough to enjoy our own families and the visitors who come to our shores.

As I mentioned earlier, our greatest need is transportation. If we are to produce more we must sell more, and have adequate means of transporting our produce to our outside markets. Improvement in our transportation system is very necessary for the progress and prosperity of Prince Edward Island. While we are thankful for this new ferry that is coming into service, we need others in order to keep constant communication with the mainland.

These are not days for guessing contests, but days when knowledge and experience are very necessary indeed to weigh and consider most carefully the affairs of our country in order to give it the best legislation possible. The problems of each province require individual study and consideration by those in authority in order that there be the legislation that will contribute the most to the welfare of our citizens and the development of our resources—legislation not only for our own good, but for the ultimate good of our great heritage, this vast and rich land of Canada.

Hon. Gunnar S. Thorvaldson: Honourable senators, I should like to say first that it is a great pleasure to be back in this place after so long a vacation. I regret the fact that I was not present at the opening of this session of Parliament, and consequently I missed hearing the opening speeches of the mover and seconder of the motion for an Address in reply to the Speech from the Throne.

Senator Phillips (Rigaud) is an old friend of mine, and I would say to him: "I have read your speech, Senator Phillips, as I have that of your seconder, Senator Eudes. Both of them were, in my opinion, masterful performances."

Senator Phillips has had, of course, great experience in both the law and business, and, as we all know, Senator Eudes has had a fine career in the other place. I congratulate both of these honourable senators most heartily upon their speeches.

Honourable senators, the reason I was away is that with two other honourable senators I attended the annual conference of the Interparliamentary Union held in Lima, Peru. I can say that we had a very pleasant time there, and I expect that we will in due course have something to say to the house about the international problems that were discussed at that conference.

I should like now, to congratulate you, Mr. Speaker, upon your appointment to your high office. When you arrived in this chamber some years ago you were welcomed by everyone here as a person who had had much experience in both private and public life, and as one who, as a minister of the Crown, had made for himself a reputation for great ability.

Everything that we thought of you then, sir, has been borne out by our experience of you in the Senate, first as a member, then as Deputy Leader of the Government and later

as Chairman of the important Committee on Finance. Everyone in this house wishes you well and will, I am sure, give you every co-operation which is due to your high post.

I also wish to add my congratulations along with others to the honourable Senator Paul Martin, who has now assumed the leadership of the Government in this chamber. We are all aware of his record as a public figure in this country, first as a Member of Parliament, then as Minister of the Department of Health and Welfare and later as Secretary of State for External Affairs. We are also, of course, well aware of his multifarious duties over the years in the field of international affairs. In my view the post of Leader of the Government in the Senate is of the highest in regard to honour, responsibility and prestige that can be conferred upon a Member of Parliament in Canada.

I would like to say a word or two about the retired leader on the other side, the Honourable John J. Connolly. Perhaps our friend is getting pretty tired of hearing these accolades from everyone in the house, nevertheless I must add mine to those of others. I am sure that he himself will confirm that he received the ultimate in co-operation from the Opposition in the Senate—if I may call it that—during his term of office, as well as from his own party.

Hon. Senators: Hear, hear.

Hon. Mr. Thorvaldson: He occupied this post with ability and much consideration for others. We hope that he may have a long and happy sojourn in the Senate with us.

I wish to devote the rest of my remarks to the subject matter of the very able and eloquent speech of the leader of the house in his opening address to us here last Wednesday, namely, the Senate itself. This is indeed a subject of paramount interest to all of us who are members of this chamber, as it is to the public generally. The honourable leader commenced his address with a phrase having a Churchillian flavour to the effect that he had not come here for the purpose of presiding over the liquidation of the Senate. You will recall that the late Sir Winston used similar words some 20 years ago when he remarked that he did not intend to preside over the liquidation of the British Empire.

Hon. Mr. Flynn: He had to do it though.

Hon. Mr. Thorvaldson: Not quite. It is quite true that between those years and now the British Empire has not been liquidated as such, nevertheless, it has been changed enormously from what it was.

Hon. Mr. Connolly (Ottawa West): It has evolved.

Hon. Mr. Thorvaldson: These changes were of course made to meet new attitudes and new conditions of life throughout the world. Although I am personally persuaded in regard to the Senate of Canada that its roots are too deep and its functions are too important for any thought of its elimination from our system of government, nevertheless, after 100 years of operation with only one constitutional change during all that time—I refer of course to the amendment to the British North America Act regarding the retirement of senators at age 75—the time may now have come when we should take a good look at this institution and ask if there are other improvements which can be made in the interest of a more effective Parliament of Canada. Indeed, such a reassessment has often been made in the past.

I have thought it rather amusing from time to time to listen to certain persons, mainly from far corners of the other place, making glib statements to the effect that the Senate should be abolished; but seldom of late have I heard specific reasons given for this point of view. Indeed, I have discovered that most of them are men who have given no great thought to the role and functions of the Senate in our Parliament but rather they are persons who may have a vague desire to occupy a seat here.

Honourable senators, on the contrary, I have noted that every author who has studied fully and written about the Senate of Canada has given this institution many more pluses than minuses. Although some writers have suggested some changes, both in the method of selection of senators and in some other ways, no substantial body of opinion in Canada has ever indicated a desire to eliminate the Senate from the parliamentary system of this country.

The Fathers of Confederation provided for a bi-cameral Parliament, and anyone who has read the Confederation Debates realizes that no confederation of the original provinces of this country was possible without an Upper House and a Lower House, each with its own type of duties, functions and responsibilities—which were clearly set out first in the Quebec Resolutions and later in the B.N.A. Act itself.

The importance attached to this body by the Fathers of Confederation is explained in part by the fact that, of the fourteen days devoted to the Confederation Debates at Quebec in October 1864, six of them were spent on the nature, functions and method of selection of the Canadian Senate.

Before proceeding further, I would like to say I am personally persuaded that, as long as Canada maintains a form of government based on the British system of parliamentary government, so long will the Senate survive in substantially its present form. Only should we decide to change to a congressional, republican or some other type of government would it be appropriate to tinker with the Senate by way of constitutional amendment.

In regard to the use of the word "tinker," I want to acknowledge that I took it from my friend Senator Roebuck, who used it in an article which was published, I think, in *Maclean's* magazine many years ago.

Hon. Mr. Roebuck: Yes.

Hon. Mr. Thorvaldson: Honourable senators, I would like to give very briefly some of the reasons for this point of view in regard to the Senate. Also, apart from the speech of the honourable Leader concerning the Senate, another reason which prompts me to make these remarks about it is the statement concerning the Upper House, in the document entitled "Federalism For the Future," to which the honourable Leader referred at page 46 of our *Hansard* in his speech on Wednesday last.

That statement certainly contemplates a study of the role and the powers and possibly the method of appointment in regard to the Senate and perhaps other matters concerning it.

Let me repeat the first paragraph of that statement, as made by the honourable leader, and taken from this document, which I quote from page 46 of our *Hansard*. This is quoted merely for the purpose of refreshing the memory of honourable senators. It says:

> It might well be reconstituted—

That is, the Senate—

> so as to enable it to play a new role in representing the federal character of our country. It might, for example, be called upon to make a special contribution in securing the rights of Canadians and in protecting the bilingual character of Canada. It might also be expected to reflect better than it does now the regional interests of our country.

In my view, it is, of course, always appropriate to give thought to a change in the role and functions of public institutions, seeking their improvement. It is just as appropriate for the Senate itself as for the other place, to seek changes in its own rules for the purpose of self-improvement. Indeed, I need not remind you that only a few days ago in this house there was a motion for the appointment of our own committee to consider the rules of the Senate.

In all the writings by responsible persons on the Canadian Senate, commencing with the work of Sir George Ross entitled *The Senate of Canada*, in 1914, then Professor Mackay's book *The Unreformed Senate of Canada*, 1926, and the somewhat revised edition of 1963, and then Professor Kunz's book *The Modern Senate of Canada*, 1963, together with various writings in learned journals, in the speeches and writings of some great parliamentary leaders of the past, including Senators Meighen and Dandurand—in all of these the view consistently taken has been that in the British parliamentary system a second chamber is an essential and integral part of the democratic process.

Secondly, despite criticism in some quarters that it is a reflection on our democracy that the Senate should be appointive rather than elective, nevertheless, the fact is that no one can point to any occasion when the Senate of Canada acted as a deterrent to freedom in our type of parliamentary democracy. In fact, we and others know very well that Canadian democracy is as free as any in the world.

Furthermore, it has been consistently pointed out that our particular system of parliamentary and cabinet government would not lend itself to two elective chambers, one in competition with the other, as it would to two chambers working in a co-operative fashion, one being an appointive Upper House.

I think also that it is generally recognized, more so in a federal system of parliamentary government than in an unitary system, that an upper house such as we have is basic to the proper functioning of a federal system.

Hon. John J. Connolly: Would the honourable gentleman permit a question? I think all of us could not agree more with the line of thought that he is pursuing when he deals with parliamentary institutions as he does,

but would he have any special views to express on this point in connection with the elective Senate of Australia, which has certain constitutional restrictions placed upon it but is nonetheless elective.

Hon. Mr. Thorvaldson: Well, I do not think I had better enter into a discussion of that, one reason being that in my talk tonight I am trying to be very brief. I am trying to make a few points extremely briefly. I might say, however, that it has been pointed out from time to time that, in the British Commonwealth, New Zealand is perhaps the only country in the Commonwealth that is unicameral rather than bicameral. It might be an answer to the argument that a bicameral system is more functional than any other in a federal state, to point out that New Zealand is a unitary state; but it should be said that that country is not federal in character. It is a unitary state, and, consequently, I say that is one of the reasons why New Zealand has been able to get along pretty well with a unicameral parliamentary system.

But my point is that in a federal system a bicameral parliament is absolutely essential and there are special reasons for it being so, namely, the very fact of the federal nature of that system.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Thorvaldson: And that is one of the reasons why I say that there are many arguments against the Upper House in this country being an elective chamber. Moreover, those arguments have been made time after time during the last 100 years, and I know of no great body of opinion at the moment which suggests or has suggested during the last 20, 30 or 40 years that the Senate should be an elective body. There have been arguments over the years in regard to it, but those arguments have never had any great body of public opinion behind them so far as I have been able to determine.

It may be true that over the last hundred years the Senate has not been overly extended in acting out its function of a protector of regional and sectional rights. But who can say that the strains and stresses of a federal system such as we have in Canada would not have resulted in collapse on many occasions were it not for the sobering influence of an appointive second chamber.

One vital criticism over the years has been, as we all know, that the Senate should become "modern" in the same way as the courts and some other institutions have been modernized; namely, that the term of membership should not be for life. That criticism has now been remedied through a constitutional amendment, and at least it can now be said that public opinion has been appeased in so far as this criticism was valid. I refer, of course, to the recent constitutional amendment providing for the retirement of senators at age 75.

I have two or three additional matters to discuss on the question of Senate change—I do not like to use the word "reform"—but these can all, if need be, be achieved without constitutional amendment. The first is with reference to standing committees of the Senate. I would say, first, that the extraordinary success that has attended the work of some of our specially appointed committees—and I now refer to such committees as that which was responsible for the ARDA program and to two or three special committees that have been chaired by Senator Croll and others in the last few years—has been that their members have been selected on the basis of persons who were, first, knowledgeable in regard to the subject under review and they were available; that is to say, they were able to attend meetings with such regularity that the problem of securing a quorum at all times was not a deterrent.

I believe there should be a general review by ourselves of this subject matter with a view to all committees being composed, to as large an extent as possible, of persons especially qualified or interested in the subject matter of each committee.

As an example of what I mean, I do not believe that the Standing Committee on External Relations can become as vital a committee as desired by the Leader of the Government (Hon. Mr. Martin) without its membership being based on a method of selection of senators who are intensely interested in foreign affairs and are available to attend perhaps lengthy committee meetings on every working weekday.

This is not a new matter. At the instance of Senator Wishart Robertson, much attention was given to the question of committee work in the Senate in 1951. A very complete discussion of this problem is contained in Dr. Kunz's book in his chapter entitled "The Committee System of the Senate", commencing at page 233 of that work.

I believe this problem might well be reconsidered now, especially in the light of the much faster transport to and from Ottawa

today, and hence the changed pattern in regard to attendance of senators here, at least from the point of view of travel time.

Another perennial criticism of the workings of the Senate has been the tendency of its weekly sessions to last only from Tuesday evening till Thursday afternoon. If all the work of the Senate and its committees can be done effectively during these brief periods, well and good. I do know that it is most difficult to conduct the work of some committees effectively under these circumstances. Also, I am sure that I step on no one's toes when I say that no person should, in a day and age when Canada has become one of the world's great powers in population and wealth, accept a summons here unless that person is willing and able to spend a great deal of time in Ottawa during sessions of Parliament. The Senate should not be a hobby.

There have been times when senators have complained bitterly of lack of work and, hence, the necessity for long recesses of the Senate, but that was at times when Canada was younger and smaller as a country than now. Also it was an era before the Senate assumed its present importance as an agent to conduct inquiries into various national problems. In fact, we have been very modest in our failure to advertise the fact that in this regard, during the last 20 years, the Senate has assumed a new role by the appointment of special committees to inquire into various national problems, some of which would otherwise have required the enormous expense of royal commissions. I think that each of us knows the great expense of royal commissions today, and this alone could be the subject of another speech.

I come now to the severest criticism of the Senate, and one that could become, and which perhaps at times has been, the greatest deterrent to the effective performance of its functions, namely, partisanship, both in appointments to it and in its workings. Please do not think that this is a criticism of anyone here, because if it were, such would apply to myself and my own colleagues, in exactly the same way as to others. Also, as you all know, this problem is not an invention of my own, but it has been the subject of discussion and debate for more than 100 years. *The Confederation Debates* show most clearly the desire to construct an Upper House which would be, and remain, largely non-partisan. It certainly was the hope of the Fathers that such a condition would be achieved.

Professor R. A. Mackay has this to say on page 156 of the revised edition of his book *The Unreformed Senate of Canada*:

> In the first edition of this book I said: "The most serious objection to the system of appointments is that it has failed to give to the members of the Senate the character of independence of party ties." I noted that while party lines were more fluid than in the Commons, and that while the Senate rarely stood out against the Government of the day, it justified its existence as a checking chamber only when the majority of its members were of the opposite party to the majority in the Commons. At other times it was quiescent. On reconsideration, I am disposed on the whole to agree generally with these conclusions about the Senate as it then was (1926).

However, as I am sure we all know, two of the all-time great leaders in the Senate, Senators Raoul Dandurand and Arthur Meighen, did all in their power to eliminate a partisan spirit in the Senate.

I think one of the more interesting quotes that I have heard was the reported exchange between Dandurand and Meighen upon the latter's appointment to the Senate as Leader of the Government. Meighen is reported as saying, "Here is my opponent. I hope I am worthy of your steel." To which Dandurand replied, "My friend, you are wrong on two counts. I am not your opponent, and I am not worthy of your steel." But the fact is that these two great men were unanimous in the view, and did everything in their power to eliminate partisanship in the Senate.

As a corollary to this aspect of the workings of the Senate, it seems to be the unanimous view of most writers on this subject that one of the great dangers to this body as an institution would be for it to become too one-sided or lop-sided as between the two major political parties in Canada. One Prime Minister, Mr. St. Laurent, recognized this problem very clearly, and we are all aware of the steps that he then took—or did not take—in order to keep the Senate in reasonable balance from a political point of view. I want to say this, that Mr. St. Laurent was, and is, a very wise man.

I should like at this point to refer to a most excellent work entitled *Confederation at the Crossroads* by Mr. E. Russell Hopkins, the Law Clerk of the Senate. I have not read this book completely. . .

Hon. Mr. Roebuck: It is a splendid piece of work.

Hon. Mr. Thorvaldson: ...but I have glanced through it sufficiently to understand that it may be one of the finest works ever written on the Canadian Constitution.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Thorvaldson: So, while I am on the subject of so-called Senate reform, let me read a paragraph from the bottom of page 314 of Mr. Hopkins' book:

> "Senate reform"—not otherwise defined —has been mooted since shortly after Confederation, but there has never been any consensus—

That word "consensus" I have not used before, but I have come very close to using it in my remarks tonight.

> —in Canada as to the nature of the reforms to be made. When "Senate reform" has been embodied in party platforms it has been so embodied in vague and general terms. No specific proposals have ever been embodied in a party platform before an election subsequently won by that party, so that no government has as yet received a popular mandate for any specific reform or set of reforms. The CCF (Cooperative Commonwealth Federation) had a plank in its platform calling for the abolition of the Senate, and the NDP (New Democratic Party), which replaced it nationally a few years ago, has a similar plank in its platform. No other national party has at the time of writing endorsed any specific proposals for the reform of the Senate.

I would like to close my remarks by quoting the first paragraph of the preface to Professor Kunz's book:

> Perhaps the first thing that strikes the student of the Canadian Senate is the almost universal ignorance which prevails in the public mind, and even in academic thinking with regard to the proper role and functioning of the Senate in the over-all context of the Canadian political system. Combined with this intellectual indifference there is a well discernible emotional hostility, fed partly by the underlying ignorance and partly by a vague lingering notion of century-old liberal-radical-socialist antagonism towards second chambers in general. Often, abusive description of the Senate is offered in place of intelligent opinion—a trend which may be taken as further evidence of the declining interest in, and respect for, legislative institutions in general.

I follow that by offering the suggestion that if this body itself takes appropriate action to bring itself up to date on some matters of public criticism, if future appointments to fill vacancies in the Senate remain on a high plane of good Canadianism, if the work in the Senate continues to maintain the high standards of recent years, and if the Senate continues, and expands, its role of inquiry into public problems, then I see little reason for a constitutional conference or cause to change the Constitution in any substantial way regarding the Canadian Senate.

I would, most humbly, say to that conference: "Hands off the Canadian Senate." There is nothing wrong with the Senate that consistently good appointments will not cure.

[*Translation*]

Hon. Paul Desruisseaux: Honourable senators, I am particularly happy to associate my remarks to those of senators who spoke before me in order to congratulate our new Speaker of the Senate.

We knew beforehand of the brilliant career achieved by our new Speaker as a lawyer, a member of the House of Commons and, more recently, in the Senate where he is efficiently assisting the government leader. A better choice in replacing the honourable Senator Sydney John Smith who had so aptly and intelligently fulfilled his duties could not have been made. Attributes of heart and mind, of justice and clear judgment, which characterize our new Speaker are for him from the beginning an insurance of a brilliant future in his great public career.

For his part, honourable Senator Paul Martin is taking over the responsibilities of Government Leader in the Senate at this historical period when Canada and its provinces will undertake a study of deep constitutional reforms that will involve the legislative and administrative bases of our federal and provincial governments. This artisan of good international relations, of the progress and strengthening of our country and one of the most learned and respected diplomats is thus a successor to Honourable John J. Connolly whose untiring devotion and intelligent direction of our discussions have contributed so much to the good proceedings of the Senate during the 27th Legislature.

Our new leader will find here a spirit of co-operation and a devotion as well as a unanimous desire to serve the best interests of Canada.

Congratulations are extended to all the new senators who will now offer their abilities and their judgment to the cause of a growing Canada which we all want ever stronger, more united and interdependent.

Finally, I shall pause, through respect, to meditate with you about those that have departed forever, and as a token of gratitude on behalf of those who have taken leave of the Senate following remarkable careers. Our wishes of a long and interesting life are extended to them.

Mr. Speaker, may I be permitted to congratulate the honourable Senator Lazarus Phillips and the honourable Senator Raymond Eudes for their part in moving and seconding the address. Their ability, their knowledge, their advice and their judgment so highly noticed on this occasion are proof that the Senate of Canada has been remarkably fortunate with their appointment.

[*English*]

The Senate has valuable legislative and administrative functions. Amongst the most important are the protection of the rights of the minorities and the protection of rights of the provinces. In my view any consideration of reforms in the Senate must not lose sight of these important duties. The honourable Leader of the Government gave us his views on possible reforms that the Senate can make within itself.

Last year, on the invitation of honourable Senator John J. Connolly, the then Leader of the Government, many senators submitted recommendations for internal reforms of the Senate. It would be good, I believe, to analyze these again. I believe that the streamlining of the Senate's functions and procedures is constructive and would no doubt, if intelligently reviewed, add new forces to our Government. I was most pleased to hear the hope expressed by the Leader of the Government in the Senate (Hon. Mr. Martin) that the Committee on External Relations could be re-inforced and used as a forum for discussion, as a vehicle to air views, to make recommendations or implement foreign policies. There is not a better qualified body in Parliament to do this. In the two years I have been in the Senate, I have found that there is here wisdom, prudence, experience, and knowledge in so many different professional, labour, executive and business fields. There is an historic role for all of us to play here this year.

I agree we can ourselves streamline the Senate to a considerable extent. We can assume new roles in dealing with federal-provincial problems. We can expedite the passage of many bills which can be better prepared, discussed and acted upon by a non-elected body of legislators, before being recommended to the House of Commons.

Honourable senators, we should welcome the opportunity to be able to work on these possibilities of reform and thus add to the benefits deriving from this chamber. What a great and promising challenge for all of us!

The respect and consideration acquired in all parts of the world by Canada is the evidence of its past wisdom in its relationship with all nations. Much of this consideration in the last few years has been won through the good offices of our present Leader of the Government in the Senate.

In turn, it has also helped us achieve many economic goals, the amplification of which is now needed to create the proper balance of trade and expand our Canadian prosperity.

It was my privilege in the last three or four years to travel extensively in many of the countries in Europe, Asia and Africa. Recently I visited Yugoslavia, Hungary and Czechoslovakia. Everywhere I went I felt profoundly and justly proud to be a Canadian. The high consideration, the perceivable esteem and the prominent respect that was extended everywhere made me realize once again how very fortunate we Canadians have been, and are still, in our relationship with our far and near neighbours in this now small world of ours.

Many people have said to me that they envied the freedom of Canada. I, for one, more than before, believe that we, with all our drawbacks, problems and shortcomings are—and, I hope, will continue to be—the freest and most enfranchised nation on the face of this earth. I believe that the existence of the Senate, independent as it is of elections, prudent and reserved in its evaluations, contributed to assuring this to be the freest of nations on earth.

I explained to many that in my view Canada was not a nation made up of a majority and minorities, that it was truthfully a nation of many minorities, living together in this young and great land of ours, sharing

vigorously and equally in its challenges, its opportunities and its achievements. I added that I was convinced that this disparity strengthened this young country, made it more viable and energetic and, more than anything else, would more and more contribute to its eventual practical unity and strength.

Honourable senators, in the Speech from the Throne mention was made of poverty. Well, poverty has been a basic problem and a challenge for every nation at any time through history, from the very start of the world.

Who are the poor in Canada? Of course, the materially poor, those who are underprivileged and impoverished, and badly fed, clothed and housed, are certainly to be found in Canada as everywhere else.

Thankfully, there are proportionately fewer of them in this country than in most, but the situation can still be considerably improved. We have a human and conscientious duty to obliterate all of it that we can. There is no shame for Canadians to admit that such a problem exists in their midst. There would be shame for all of us if, having the resources, the means, and the vehicles to expunge pauperism and privation, as we evidently have, we did not act.

It is highly commendable for the 28th Parliament to face this problem and to let Canada's conscience speak up through its Parliament. To preserve the dignity of all involved, the erasing of Canadian poverty must be accomplished by the creation of work for those who are able to work and by assuring better education for all. We find throughout the world that wherever there is less work and limited education—and they go together—there is more poverty. It has been this way throughout history.

In the last decade or so the rate of growth of our income in Canada has not been as large as in ten other countries of this world. This is not a satisfactory trend for Canadians. This, moreover, happens to coincide with the increasing number of the have-nots.

I repeat that the remedy for our Canadian poverty is, as anywhere else, regular work for all those who can work. Once obtained and assured, this will enable every Canadian to look at his fellow Canadians with dignity and without the despicable feeling of owing improved conditions to hand-outs, welfare, give-aways or favours.

Canada needs to export manufactured and other products to create the necessary number of jobs. It can only do so if it can produce at a cost that will allow it to compete with other trading nations. There is really no choice. Unless our productivity is good enough, there can be little hope of realizing our goals on a continuing basis. This must be realized fully and at once by both labour and management. Whenever necessary, proper and daring measures must be implemented by our Government.

Here again, history should teach us a lesson. What happened to the formerly greatest trading nation on earth, Great Britain? And why? What were the factors that gradually, since World War I, destroyed its trade and the advantageous position it had held? The steady erosion of its competitive position created the situation that led to the "dole," an execrable and demoralizing system of help for the needy, which in turn led to a great many other major problems which are even now being faced. We do not want this to happen in Canada. We would fail in our duty if we did not face directly, and now, the vital issue. Our employers and employees would also fail in their duties if they did not face the same vital issue.

Recent statistics show a widening of the gap between the haves and have-nots. This is happening at the same time as our labour force has been outstripping the number of available jobs, although our export trade is said to be good and recently improving. This gap must be closed as quickly as possible. This whole situation can be rectified effectively only by providing new markets for Canadian goods thereby ensuring more work for more Canadians.

There can then be more stimulation internally by supporting other campaigns for housing and furthering developments in mining, industries and other fields through incentives, if necessary. Competitive pricing only will really give it to us. Streamlined, the Senate can help develop far-sightedness in policies in this field. We can help to provide this stimulation by looking into the future of Canada, beyond election time, not being ourselves elected, and acting accordingly. We can do what must be done, even though it may at times appear to hurt a little, to assure the productivity that will give Canadians continued prosperity and diminish rapidly and surely poverty in our midst. We can do this without using painful, artificial, expensive and temporary means. Moreover, such increased productivity will help to provide more revenues for the Government.

We can and should inquire into the causes of unrest, violence and revolt among students or others in Canada. It is to be noted that where such turmoil prevails in the world it is in countries that have made the claim of having better education, better culture and having the best institutions of learning. Why? It has become a duty to find out. Our Senate could make this type of inquiry for the benefit of Canada.

The Speech from the Throne mentions that "...it would be useful to have available to all governments an institute where long-term research and thinking can be carried out into governmental matters of all kinds." During the 27th Parliament, the Senate formed a Special Committee on Science Policy of the Government. Without reporting on the activities of this committee, it may be stated that a large number of scientists and researchers, from our different government agencies and from those of other countries and from institutions of learning from near and far, presented papers and briefs which have stirred our deep interest in the future of science in all fields in Canada. Many now believe our government agencies have been stimulated by the inquiries of this committee. Some have started already to do something about it. There is much more to be accomplished and although I feel we have no time to lose, I believe it would be fruitful to await the far-reaching recommendations that are, I believe, sure to come from this important committee before legislating on this basic issue.

It was good economics to state in the Speech from the Throne that "—Government spending by all level of government cannot increase faster than productivity". A good guideline was thus established for the Canadian people and for its Government.

The Government is logical and economically sound in stating that if Canadian productivity is to become internationally competitive, the Government cannot undertake to increase spending faster than productivity without hurting production that creates jobs, and without raising taxes and, I believe, thereby contributing to some form of inflationary trends.

But with the Government conscious of these guidelines and these limitations, and orienting its policies for higher Canadian productivity, the stage is being set for great strides of progress to be made in Canada. I believe the Senate will now play an important part in this.

Honourable senators, possibly there are a few more points I would have wished to make. However, I believe these can be made on some other occasion in the near future.

Hon. Mr. Martin: Honourable senators, as I understand that Senator Stanbury is about to move the adjournment of the debate, I wonder if I could say, as one who has been here all day, as have you all, that I am sure the Canadian people, had they had the opportunity to be here today, would have been greatly impressed by the high quality of the speeches we have heard.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Stanbury, debate adjourned.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, before the motion for adjournment is put, may I ask that Items 3, 4 and 5 stand.

I understand that about six more honourable senators have put their names on the list to take part in the debate on the address in reply to the Speech from the Throne. I mention this, not because I wish to discourage others from taking part in the debate. On the contrary, I encourage others to take part, particularly the newer senators. However, I should think that if this list is the one that is to stand, we would perhaps finish the debate on Thursday. In that event we would proceed, as far as we could, with Items 3, 4 and 5.

DIVORCE

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Divorce, presented on September 19.

On motion of Honourable Mr. McDonald, for Honourable Mr. Roebuck, Chairman of the Standing Committee on Divorce, report adopted.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, September 25, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the National Capital Commission, Part I, for the fiscal year ended March 31, 1968, pursuant to section 85(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the National Capital Commission, Part II, being its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report on the Administration of the Emergency Gold Mining Assistance Act for the fiscal year ended March 31, 1968, pursuant to section 10 of the said Act, chapter 95, R.S.C., 1952. (English and French texts).

Press Communiqué issued following a meeting of wheat exporting countries held at Canberra, September 17-19, 1968, to discuss the operation of the International Grains Arrangement and other related matters. (English and French texts).

Press Release, dated September 19, 1968, issued by the Department of Trade and Commerce with respect to a program for Canadian incorporated companies in connection with investments abroad. (English and French texts).

News Release, dated May 3, 1968, issued by the Department of Finance, with reference to operations by chartered banks in foreign currencies. (English and French texts).

News Release, dated July 24, 1968, issued by the Department of Finance respecting operations of financial institutions, other than chartered banks, in foreign currencies. (English and French texts).

PUBLICATION OF STATUTES ACT

BILL TO AMEND—AUTHORITY TO PRINT

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill S-2, to amend the Publication of Statutes Act:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-2, to amend the Publication of Statutes Act, and had directed that the bill be reported with the following amendments:

> 1. Strike out clause 1 and substitute therefor the following:
>
> "1. Subsection (2) of section 10 of the Publication of Statutes Act and all that portion of subsection (3) of the said section that precedes paragraph (a) thereof are repealed and the following substituted therefor:
>
> '(2) Copies of the volume or volumes of the Acts referred to in subsection (1) shall be printed by the Queen's Printer, who shall, as soon after the close of each session as practicable, deliver or send by post or otherwise the proper number of copies to' "
>
> 2. Strike out clause 2 and substitute therefor the following:
>
> "2. Section 11 of the said Act is repealed and the following substituted therefor:
>
> '11. The Statutes shall be printed in the English and French languages in such form, on such paper and in such type and shall be bound in such manner as the Governor in Council may prescribe by regulation.' "

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: With leave of the Senate, I move that this report be adopted now.

Honourable senators, the amendments made in committee were made after serious consideration, and I think I should give a brief explanation of their effect and the need for them.

I would prefer to deal first with section 2 of the bill in the form in which it was presented in the Senate and came before the committee. It authorized the Governor in Council by regulation to deal with the printing of the statutes in the English and French languages in such form, on such paper and in such type and to be bound in such manner as those regulations might prescribe.

That authority was preceded by the words "subject to this section".

Moving to subsections 2 and 3 of section 2, legislative direction is given, for instance, as to the manner in which the marginal notes would be recorded. It appeared to us that this is part of the administrative function and it is also part of the scope of the authority we have given to the Governor in Council by regulation to deal with the form and the manner in which the statute should be printed.

If I may direct your attention that there is nothing in the amendment before us which specifically says that the English and French languages shall appear on each page of each statute. This is a matter which the Governor in Council will deal with later by regulation, and we thought that there should be a flexibility to deal with these and other administrative problems which may arise in this new area of printing of statutes. The authority should be broader, and there should not be any directives or limitations that are administrative in character which may be dealt with by regulation.

Therefore, we decided to strike out subsection 2, which deals with the marginal note.

As to subsection 3, which provides that the statutes of each session shall be bound, if practicable and convenient, in one volume, we felt that this was an administrative matter. My usual complaint in connection with regulations has been that it is an attempt to legislate by way of regulation; this time it would appear that they are trying to administer by legislation. Therefore, we felt that subsection 3 should be struck out.

To summarize, the second amendment in the report today deals with section 2. We have struck out subsections 2 and 3, removed from what was subsection 1 the words "subject to this section". As presented to you in this report, the section reads as follows:

> 11. The Statutes shall be printed in the English and French languages in such form, on such paper and in such type and shall be bound in such manner as the Governor in Council may prescribe by regulation.

We feel that is a broad authority; it is flexible, and it covers every "form" of the printing operation.

Having given that explanation, I move to the amendment to section 1 of the bill. Section 1 amends subsection 3 of section 10 presently in the Publication of Statutes Act, which is the part that goes into very considerable detail as to how the Queen's Printer shall carry on in the course of printing the statutes.

May I read the part of the section which clause 1 of the bill repealed, and to which the committee added something. Subsection 3 of section 10 of the act read:

> 3. Copies of the volume or volumes referred to in subsection (2) shall be printed, in the English and French languages respectively, by the Queen's Printer, who shall, as soon after the close of each session as is practicable, deliver or send by post or otherwise, in the most economical manner, the proper number of copies of the volume or volumes, in either or both languages as he is directed, to . . .

That was struck out, and clause 1, as it appears in the bill, takes its place. We have disturbed that language only by one amendment which we made by striking out the words "in the most economical manner". We felt that it was really flogging economy a little too far, to suggest that those charged with the responsibility of administration should be so directed. Under the scheme as we now have it, by clause 2 of the bill, the Governor in Council is the person who lays out by regulation the administration. Therefore, we must assume that in doing so the officials will be actuated administratively by the desire to spend money wisely. If they demonstrate that they are not able to do that and prove themselves to be bad managers, the matter can be brought before the Joint Committee on Printing and inquired into, as to whether they have been spending money wisely or not.

We decided this wording was an unnecessary intrusion and involved a failure to recognize what is real management and what is

administration. One must assume that the people who are charged with administration are capable, until they demonstrate otherwise. If that happens, we may give them some legislative direction.

Honourable senators, we went on and discovered another problem. We found that, having given the Governor in Council the authority by regulation to prescribe the form in which the printing shall be done, there might very well be a conflict in subsection 2 of section 10 of this Publication of Statutes Act, which is a very old act.

Section 10 provides for the printing of the annual statutes in two parts, Part I and Part II, and it prescribes what shall be in Part I, and other matters. The Governor in Council determines what is in the public interest for inclusion in the Statutes of Canada, in proclamations, orders in council, and other publications. It even carries forward one item that has not much application now, namely, such acts of the parliaments of the United Kingdom as he may think should be printed.

The only possible publication of that kind that I can see now would be if a request went forward from Canada to the Imperial Parliament in respect of an amendment to the B.N.A. Act, and such Imperial Statute might be included in our statutes. We did not see it to be our purpose to study the Publication of Statutes Act in its entirety, because we would find some anachronisms and other things outmoded now. That work would be for another time. But where there appears to be conflict as between the act and the amendments, we felt that we should do something about it.

The conflict appears in subsection 2 of section 10 of the Act, where it says that the two Parts of the annual statutes shall be bound together in one volume unless it is impracticable and inconvenient to do so. In such case the Queen's Printer may authorize the Parts to be bound in two or more volumes.

We were not going to leave it up to the Queens' Printer to make that decision. The Governor in Council might make regulations which conceivably would not be the same. Why should there be two bases of authority? Our amendment to section 1 of the bill provides for striking out subsection 2 of section 10, and then carries on as was provided already in the bill when it was before us, striking out part of subsection 3. But then we go on, as I mentioned earlier, and strike out the additional words in subsection 3 relating to "in the most economical manner".

The view of the committee was unanimous on these points, not only when we discussed the matter this morning, but also after taking time to reflect and coming back to it after lunch. The view I think was even stronger at that time, that while the Publication of Statutes Act is a very old statute, it might well, in this new approach we are making, be properly the subject matter of study and revision. At this time we did not feel that we should go through the whole act and take the opportunity for making all necessary corrections. We dealt only with the points that might impinge on the scope of this bill and what the legislators were attempting to do under it, and we were trying to make it as workable and as flexible as possible.

Hon. Jacques Flynn: Honourable senators, we are indebted to the Chairman of the Standing Committee on Banking and Commerce for his very lucid and convincing explanation of the amendments which were made to this bill in committee. We have now a much improved bill, and I think the committee did commendable work. I suggest that we should also give credit to Senator John M. Macdonald, whose remarks yesterday are really what instigated the improvement of this bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: With leave of the Senate, I move that this report be taken into consideration now.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

OFFICIAL REPORT OF DEBATES

CORRECTION

Hon. Donald Cameron: Honourable senators, before the Orders of the Day are called may I rise on a question of privilege to ask that a correction be made in *Hansard* of Thursday, September 19, on page 63. In the course of my remarks as to some of the charges being made by university students, I

am reported in the last paragraph on that page as follows:

> Fifth that university administrators and boards of governors are incompetent dullards who do not know where they are going or how to get there.

My answer to that charge was:

> To begin with, the great majority of the membership on university boards of governors are university graduates and professional men elected or appointed to these positions because of their knowledge of their own particular disciplines.

However, the printer substituted the words "incompetent dullards" for the words "university graduates" and that sentence as printed, reads:

> To begin with, the great majority of the membership on university boards of governors are incompetent dullards and professional men elected or appointed to these positions because of their knowledge of their own particular disciplines.

I think honourable senators will agree with me that that is a pretty serious charge to make and that my answer to it should be corrected in the printed record.

PRINTING OF APPENDIXES TO SPEECHES

The Hon. the Speaker: Honourable senators, I hope you will permit me to make a brief statement about the press coverage of a procedure which took place here on Thursday last when you gave leave for the printing of a document which had not previously been read.

At the outset may I put at ease all honourable senators who were here last Thursday, because had I been given the opportunity of examining the document I would have authorized its printing. I feel that legislators who have to deal with such important matters as education must know what is taking place on the campuses of our universities and must also be aware of certain publications being distributed in and about our schools and universities.

Having said that, honourable senators, I think this is a proper occasion for me to make a further observation.

If an honourable senator thinks in the future that it is desirable to have a document printed as part of our proceedings, I would appreciate receiving a copy thereof a few hours in advance. This would permit me to send a copy to the Leader of the Government and also to the Leader of the Opposition. Then, when the matter comes up later for consideration the leaders on both sides and I would be in a better position to discuss its contents.

I do not know if what I am going to say now can serve as an epilogue to what has taken place, but may I add that I am delighted to preside over the deliberations of an assembly which has shown its willingness to leave no stone unturned in the search for solutions to the difficult problems facing our country in this day and age.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes for an address in reply thereto.

Hon. Richard J. Stanbury: Honourable senators, it is just seven months since I confirmed, in your presence, an obligation I had accepted privately as a boy, the obligation to serve the people of Canada to the best of my ability. Because of certain interesting and, to me, very exciting events which have occurred during recent months, I have not yet had the opportunity to make my maiden speech in this chamber. I hasten to do so now, and I seek your indulgence in my so doing.

[*Translation*]

Many praises have already been addressed to our Speaker.

I have not known him for long, but I have noticed his great kindness.

He is a man whose interest for the welfare of this house and of each of us will not be soon forgotten.

[*English*]

Senator John Connolly is a good friend of long standing, and I salute him for his ability, his oratory, his great service and his human kindness.

His successor in office, the honourable Senator Paul Martin, is a worthy successor indeed. We all sit here in the complete faith that if anyone can make the role of the Senate an increasingly vital one and interpret that role to the public, it is the honourable Senator Martin.

Honourable Senators Phillips (Rigaud) and Eudes share the gratitude of all honourable senators for their motion and their addresses. Senator Phillips and I were sworn into this chamber on the same day, and he is now my seatmate. I regard my association with him as one of my richest experiences in this august body.

I pause further only to pay tribute to the Right Honourable Lester B. Pearson, one of Canada's greatest statesmen and humanitarians. To do him justice, I would need a much longer speech than that which I propose to make now, so I will satisfy myself for the time being by expressing my own gratitude, as a Canadian, for his continuing lifetime of service to Canada and to mankind.

If I were to attempt to summarize the remarks I would like to make to you today, I would probably do it by asking the question, "What is happening?" That is the question which has flown to the lips of every one of us, as we have seen developing the hippies and the yippies, the civil rights marchers, the anti-Vietnam protestors, black power, student unrest, revolution and counter-revolution. Canadian students meet to plan strategy. Demonstrators march outside the Democratic convention in Chicago. Civil rights workers organize a march of the poor on Washington.

What is happening? There is a common thread that runs through all these events, a thread of disenchantment of the new generation with the institutions, the social mores and values which have been acceptable to us, the preceding generations.

My generation's attitudes were established during the thirties and forties, while we were adapting to the traumatic experiences of depression and war. Both tragedies required the acceptance by our society of regulation and discipline, if we were to overcome want and to prevent defeat. But in the course of that acceptance we rationalized some very strange attitudes. In the depression we condoned intolerance to save the white man's job. During the war we condoned killing because of the threat posed to the whole world by the Nazis. In politics, because there were no real answers, we sought safety in nebulous language. In society we heaped honour on the industrial and commercial leaders who were the source of jobs, of munitions and endowments, and they became governors of our universities, whether or not they had any understanding of the educational process.

During the fifties an apathy developed as people realized that the dangers of war and depression were behind them and as they saw the advent of the affluent society. There was apathy about everything, except affluence. Everybody wanted two cars, a television set, a better house, a swimming pool. But those who cared about religion or politics or the human values of tolerance and virtue became fewer and fewer.

The new generation of war babies, who came of age in the sixties, found themselves entering a world they could not understand. They could not understand why universities were run by an establishment which their security-conscious parents had found so necessary. They could not grasp the rationale which led to members of the human race killing each other, especially where there was no threat to a homeland. There was no acceptable explanation for the proposition that the black man was somehow inferior to the white, or that peoples of different culture and language should vary in their entitlement to common human rights. And they could not understand why their political leaders could not speak to them in direct and simple terms.

The young people were expected to conform to the old standards, but they rebelled. They said, "This is a phoney world. I cannot accept the standards of my parents. I have the right to think out my own standards. I have the right to develop my own relationships and to help my fellow beings establish the individualism and the human dignity they seek."

Some of the things which have been done in the name of outrage have been outrageous. The assaults, the burnings, the lootings appall us. The addiction of some hippies to drugs and filth and indolence nauseates us. But these are only the extreme manifestations of the legitimate struggle of the new generation to find standards which are as effective for them in an era of uncertainty as were the standards of the previous generation in an era of calamity.

When we ask the question, "What is happening?" it is nearly always accompanied by a sniff of disapproval. We hear, particularly in the southern States, the Bible thumpers saying, "Why cannot these young people accept the age-old virtues and truths? Why cannot they be like we were?" The sad fact is that it is taking this present generation to pull us back to the age-old truths and virtues. Their call is for peace, for brotherly love, for tolerance, for honesty, for human dignity. I seem to recall another man whose teaching of

these values was cut short by the Cross at the age of thirty-three.

No, the violence which has accompanied their actions has not had its source in their beliefs. The marches of Martin Luther King were non-violent; but the reaction by the established generation was not. Always remember that the militancy of Black Power came after, not before, the death of Medgar Evers, the atrocities of Memphis and the death of John F. Kennedy. But, violence breeds violence. If the policemen of Chicago, the sheriffs of Mississippi and the National Guard in the Watts District of Los Angeles must wield truncheons, then surely it is not surprising that the objects of their violence give vent to their frustrations by responding in kind.

The trouble is that too often we hide behind the laws, and forget that law need not be equated with justice. The law must be constantly reformed to serve as the tool of society, not its gaoler. If the lawmakers are not responsive to the needs of society, and if society itself has no machinery through which it can accommodate to progress, then, in a rapidly changing world, social and political reforms will be accomplished by violence and revolution.

Now, I hope that all this does not make you think I am recommending revolution. What I am saying is that, unless we understand what is happening, the constructive potential bursting to be expressed will be subverted by the organized radicals whose objectives bear no relationship to democracy. They recognize the potential for evil. Is our perception to be less keen in the recognition of the potential for good? We must find vehicles through which people can express their hopes and aspirations in a legitimate and constructive way. If not, our society will head in the same direction as the American society. We too will suffer unnecessary violence in the name of justice.

You know, if King George III had not been so hopelessly stubborn, if he had been willing to listen, the American Revolution might never have occurred. If the Czar had shown a little compassion and understanding, perhaps the Bolshevik Revolution never would have happened. It is not the same kind of revolution, nor the same kind of injustice, that we are looking at today, but those of us who are middle class middle-aged white Anglo-Saxon Protestant Canadians are just as smug and comfortable in our established society as King George ever was. We are just as reluctant to see a change in the order of things as the Czar ever was. Our attitudes are just as bad as those which are now producing the problems in the United States. When we saw the French Canadians begin to stir out of their one hundred years of lethargy and try to assert the rights they were granted by the Constitution in 1867, we resented it. We were happy, when in the recent election, for the moment at least, it appeared that they had been persuaded that their aspirations could be satisfied within Confederation, rather than in a nation of their own. But have we yet been prepared to look at the question from their point of view?

Their forefathers came to Canada three hundred years ago. They huddled in villages along the rivers for protection from the Indians, and developed an attachment for family and village life which has been the foundation for a truly Canadian culture, indigenous to Canada and arising out of the specific problems of Canadian pioneer life. They were relatively satisfied with their family and community life, leaving the larger matters of provincial and federal considerations to a political elite and to the English-speaking commercial and industrial community. But then came the technological revolution. They saw the world on television. They questioned their traditional attitudes, and saw that they were far behind as Canadians in Canada.

Let us put ourselves in their shoes. Suppose we were a conclave of six million Anglo-Saxons living in a corner of a continent overrun by 200 million Frenchmen, where commerce and industry were controlled by them. Suppose we could not do business in our own capital without speaking French. Suppose we found ourselves members of a French commonwealth, expected to pledge allegiance to the President of France—especially to the present incumbent of that office. I suspect we would be a little defensive, a little jealous of our own heritage, a little reluctant to be absorbed, body, soul, language, and culture, into the seething French mass.

And if we think the problem has gone away, we are very far wrong. The only way in which we can make the problem go away is by helping them feel that they are in fact a part of the Canadian nation, that we in fact regard them as our brothers, that they can in fact go anywhere in Canada, either on a visit or to live, and feel at home with their English-speaking Canadian brothers.

We are inclined to have the same supercilious attitude toward the poor people of Canada. A professor from the United States asked me the other day where he could find some

slums in Toronto. I told him that I would have difficulty showing him slums of the kind that were common in New York or Chicago. But I had to confess, after reading the report of the Economic Council, that there was plenty of evidence that the poor are still with us, and that all our efforts to provide social security have merely put a floor under poverty and have never succeeded in attacking poverty itself.

We are in danger of extending our indifference to the young people of Canada. No one should be talking about burning universities, but someone should be talking with youth about their anxieties and their aspirations. They are undoubtedly the brightest generation of Canadians yet, and they face Canada's second century with great expectations. It was they who crowded 40,000 strong into Queen's Park in Toronto on the eve of Centennial year. It was they who jammed Nathan Phillips Square—and, yes, even Yorkville—and sang "Happy Birthday, Dear Canada". It was they who responded to the offer of a high school newspaper to provide a series of articles called "Your Canada" by ordering 700,000 copies. It is they who are impatient with the humbug of our society, and who seek to drag us by the scruffs of our necks, kicking and screaming, into our second century, in a country they know to be capable of an excellence never yet experienced by any nation in the world.

We have to find a way to listen to them, to understand them, and to help them. As for me, I am glad to commit my welfare to this bright, informed and idealistic generation.

The problem is that all of these groups—the French, the poor, the young, and indeed the hundreds of thousands of people all across Canada who showed such a surge of interest in public affairs during the recent election—need some vehicle for the expression of their hopes and aspirations. Only if we can provide it will we avoid the demonstrations and the violence that are generated by the frustrations caused by lack of understanding and resistance to legitimate change.

It is this fact which escaped the attention of those who claimed that the Prime Minister was not talking policy during the election campaign. It is this fact which still escapes those who say the Throne Speech is lacking in particulars.

The Prime Minister was talking hard policy; the only policy which matters right now to the people of Canada. He makes no old-time political promises. He offers no panaceas. He pledges himself and his Government to work, and work hard, in concert with the people of Canada to reorganize government institutions, reappraise our economic and social positions, and set new goals as we cross the threshold of our second century.

Our political institutions must have a closer, more direct relationship with the people—and that is true alike of cabinet, members of Parliament, senators and political parties.

A few years ago one would have left political parties out of that list. But now they are able to play their most significant role. The Mother of Parliaments began 700 years ago, but there was no real democracy until there were political parties. The breakthrough came with the concept of a Loyal Opposition. It was realized that controversy was constructive, and that you did not have to shoot or hang or crucify every one who had a different point of view. So the political party became the basic unit of democracy. In our society it has never, until now, become credible as a basic vehicle of democracy.

Until ten years ago political parties in Canada were as much of a closed shop as the Democratic party in the United States appeared to be in its convention in Chicago, but in recent years Canadian political parties have begun to develop into mass parties with broader and broader participation by the public. With the interest excited in people during the recent election we now have an opportunity, not only to open the doors of the political parties but to go into the street and give the people an opportunity to express their concerns.

Everyone feels himself surrounded by government, much of which he does not understand and to which he has no access. Only well-run and well-motivated political institutions can set up an effective two-way system of communications between individual and government to break down that wall of frustration. This is the kind of institution we must try to build here in the Senate, in the House of Commons and in our political parties. My chief concern is that we may not be equal to that opportunity. If that should be the case, we will not preserve unity in Canada; our poor will continue in poverty and worst of all our young people who saw politics as an exciting vehicle of participation during the recent election will become disenchanted and put their faith in demonstrations and violence.

So that is what must happen in Canada today. Political institutions must come of age

by throwing their arms wide open and inviting the people of all means and callings to participate, to involve themselves in their own political process, to understand each other, and to understand the need for constant reform to keep our political institutions in tune with a rapidly changing society.

We are probably the most fortunate people on this earth, but even we have many problems. Honourable senators, there is no magic solution to those problems, but the solutions can be found if we work together, if we do not entrench our minds in prejudices and outworn values, if we open our minds to legitimate progress, through constructive expression of our own aspirations and recognition of the aspirations of others.

Hon. Douglas D. Everett: Honourable senators, I did not intend to take part in the debate on the Address in reply to the Speech from the Throne, for there are many better qualified than I in this chamber to do just that. However, I feel it encumbent upon me in all humility, because the speech has engendered so much violent criticism among the members of the press and certain members of Parliament, to attempt in some small way to delineate the favourable aspects of the speech. What is it that bothers the critics about this Speech from the Throne? I suggest to you that what bothers them is that it is a speech of promise rather than a speech of promises. This is a new approach that they do not understand. I wonder what else they could have expected, for if they are confounded by this speech then they must have closed their minds to the thrust of Canadian politics over the last few months. This Government went to the people and it spoke of a just society and it said, because of its people, the size of its population, the enormity of its resources and its geographical position, Canada could attain that just society more likely than any other nation on earth. That was the goal they put before the Canadian people, but what they promised was a long hard road to that goal, and the people listened, and they gave this Government a mandate.

Honourable senators, this speech is the first step in that long hard road for it lays the foundation for a just society, but it avoids the cruel and deluding promise that such a society can be achieved overnight.

I would like to examine briefly with you just how the Speech from the Throne accomplishes this end. First of all it says we must put our house in order. If any honourable senator were to assume the control of an enterprise I am sure he would have in mind goals for that enterprise. But first he would make sure that he laid the foundation on which those goals could be achieved. While it might be thrilling for a spectator to watch a climber cross a crevasse without any forethought, a climber is more likely to achieve the top of the mountain if he has checked his equipment, his route, and made sure that his pitons are secure.

How does this speech put our house in order? First of all, it undertakes to clean up the backlog of legislation left over from the last Parliament. Secondly, it undertakes to reform the rules and procedures of Parliament so that Parliament will be closer to the people and will be able to proceed at a speed that is more in conformity with modern society. It undertakes to complete the reorganization of government departments, and most important it sets the economic base upon which the just society can be built.

I agree wholeheartedly with the apt metaphor of the dinner table spoken of by Senator Phillips (Rigaud) in his brilliant speech. A growing productive base is society's best guarantee that there will be the fair distribution which is the hallmark of a just society.

But this Speech from the Throne does more than just lay the base; it actually makes a start on the just society for it talks of unity, regional development, international trading, finance and co-operation. It undertakes to review external and defence policies and it attempts to ensure a greater participation of the people in the workings of government.

I agree with the critics of the speech that it has weaknesses. If a Speech from the Throne is a charter of the Government's intentions, then I would hope that it would be in more poetic language. I perhaps would have liked to have seen a more precise definition of the just society. But it has a palpable strength, for it tells it as it is and that is what the people want. The people are tired of cruel and deluding visions of something that cannot be attained. In their hearts I believe that people know what is meant by a just society. What they really want to see is the route to that society and, honourable senators, this Speech from the Throne shows them the way. It is a speech of reality. It is a speech of promise. And when the undertakings of this speech have been fulfilled it will give rise to a great Throne Speech, one that will be great because it will speak of a just society that is within our immediate grasp.

Hon. Harry A. Willis: Honourable senators, I wish to congratulate the two previous speakers and refer especially to the senator from the borough of Scarborough, Senator Stanbury. I wish to congratulate him on his election to the high office which he occupies now in his party, but I hope that he does not have the same success as his predecessor. I was also a little amazed, and raised my eyebrows, when I heard him say in his speech this afternoon that there was no easy answer to the problems that face Canada. We heard him on television and we heard him in the campaign which took place not too long ago, and I think his answer was "the just society". Yet here he says there is no easy answer. However, being a colleague at law with him, I wish to congratulate him on his speech here and hope that we will hear many more speeches from him.

May I congratulate you, Sir, on becoming Speaker in this honoured house. You have been a member of the other house, a Minister of the Crown, and deputy government leader in this house. Surely no one has greater qualifications than those, or than you possess naturally, to preside over this place, with decorum, with dignity, with intelligence and, I hope, with humanity.

Hon. Senators: Hear, hear.

Hon. Mr. Willis: I wish also to pay my respects to the Government Leader in this house. He is going to squirm a bit at what I have to say, but it will not be too bad. He and I were colleagues at Osgoode Hall—I dare not tell you how long ago.

Hon. Mr. Martin: Not very long ago.

Hon. Mr. Willis: At that time, in his third year in law school, he evidenced some facets of what he would be in the future. During his third year, he took time off to run as a Liberal candidate in a provincial by-election, against a very formidable opponent who at that time was the treasurer of Ontario, the honourable E. A. Dunlop. That contest took place in the County of Renfrew. My colleague and friend lost that election, but he showed the way for statesmanship and the courage that he had in his mind, and in his body, and in his soul that, while he was still a student, he would bear the banner of his party in an election campaign.

It was not very many years later that he won a seat in the other place and held it from 1935 until just recently, when he did not contest the seat. I am told by friends of mine and his in Windsor, that if he did contest that seat he would continue to be the M.P. for Essex West, even if he lived to be as old as Moses.

I, for one, wish to state publicly that I am going to accept an invitation of the Mayor of Windsor to attend a reception and celebration in honour of the Government Leader, on Friday, October 18, and I will be the first one to applaud him heartily.

Hon. Senators: Hear, hear.

Hon. Mr. Willis: I have known the leader for a long time, and with his ability and his education—forgetting that he has been a Minister of the Crown for as many years as I can remember—we are very fortunate to have him here.

Honourable senators, the Leader of the Opposition of this house is a master Leader of the Opposition. I read the speech of the Government Leader and the speech of the Leader of the Opposition, and I trust that one day in the not-too-distant future, when the tide turns, that Senator Flynn will be in the position now occupied by the Leader of the Government.

Honourable senators, I cannot pass without a reference to Senator Connolly (Ottawa West)—I am sorry he is not in his seat at the moment—who presided over this chamber as Government Leader with dignity thoughtfulness and consideration. He was like a godfather to me, with his Irish way, and his immense capacity for work. As has been mentioned in the Speech from the Throne debate, he worked too hard. In his absence, I do say of him—and it will be recorded in *Hansard*—that we miss him deeply in the position of Government Leader and I, and the many friends he has made, are pleased that he is still a member of this house.

Honourable senators, since I have not had an opportunity previously, may I be permitted to welcome the new Clerk of this chamber. It is the first opportunity I have had to do so. I applaud him wholeheartedly. I believe he has the high qualities of his predecessor, Mr. J. F. MacNeill; and, if so, this house has nothing to fear. His actions to date lead me to say that he is a worthy successor.

I also wish to mention the Honourable Sydney Smith, who was Speaker of this house during the past three years. He did his work exceedingly well; he was kind to everyone, and he went out of his way on many occasions to bring all of us more closely together. Even in the bereavement which he suffered, he still carried on his duties here very well. He is absent from the house at the moment,

but I wish to put on record that he will be remembered as a very able Speaker.

Hon. Senators: Hear, hear.

Hon. Mr. Willis: I also wish to congratulate the five new senators who have arrived. We welcome you here with open arms; we congratulate you upon having the confidence of the Government of the day to be appointed to this chamber. Some of us have been here for some time. I am quite a youngster myself, but I have been here long enough to appreciate the fact that being a senator is something beyond the grasp of most people. We should cherish that honour, and do everything we can to fulfil the place and the mark that senators have attained in the Government of Canada.

Honourable senators, I wish to thank and congratulate the mover and seconder of the address in reply to the Speech from the Throne. They performed the task very well, indeed.

I might refer, with the permission of honourable senators, to two senators who have resigned. Unfortunately I was late in arriving the evening on which tributes were paid.

If the Government Leader were in his seat now, I would ask him to inquire when we are to have a new president of Air Canada. Three times lately I have been delayed in airports for two hours, waiting for aeroplanes to come. One occasion was the evening on which the tributes were paid to former senators. On that occasion I sat in Malton airport for two hours. Not long ago, my wife and I sat in Malton for four hours waiting for the baggage door to be closed. I waited three-quarters of an hour in Windsor last Friday. Surely something must be wrong with Air Canada—and I think it is because they have not got a president. The government should make haste to appoint a president as successor to Mr. McGregor who, in the opinion of everyone was a very competent head of Air Canada. If I were asked to think of someone to whom that position should be given, I would say "Give it to Senator Grattan O'Leary". He can run anything, and certainly he could run an airline.

Honourable senators, I presume that I have your consent to refer to two senators who have resigned, although this does not concern the Speech from the Throne. First of all, I wish to speak of my guide, philosopher and friend, the Honourable M. Wallace McCutcheon, with whom I was very closely associated. I say without reservation or hesitation that I think Wallace McCutcheon has the best brain in Canada—financial, business, or otherwise—and that he understood legislation which came before this house better than any other person. I am sorry he has gone. I second what my Leader (Hon. Mr. Flynn) said in his remarks the other afternoon in the debate on the Speech from the Throne that, if this Government means to have a just society and wants reform, then there is no better opportunity than to reappoint a senator with the capabilities and calibre of the Honourable M. Wallace McCutcheon.

Hon. Senators: Hear, hear.

Hon. Mr. Willis: I say of him in the words of the poet:

> To those who know thee not, no words can paint!
> And those who know thee, know all words are faint!

And I say that with sincerity.

Another senator who retired recently is Senator Pouliot. I know he was the bad boy of the other place for many years and the bad boy of this place until he resigned in June, but at the same time he had a special understanding of the constitutional law and an understanding for the underdog and for the little man. He did not care if he was criticizing the Prime Minister of Canada or the Leader of the Government or the Leader of the Opposition or anybody else. He made perfectly plain what his feelings were and expressed himself in no uncertain terms. I had a letter from him the other day—incidentally, when he was here his office was in the same corridor as mine, the dark corridor on the sixth floor—in which he said he would miss being in the Senate and would miss his associates, but most of all he would miss the wise men of that Corridor.

I would say of him that:

> He was a man, take him for all in all,
> I shall not look upon his like again.

You all know the story of how he first won his nomination so I will not go into that at this time.

I have looked over the Speech from the Throne and have read it carefully. All I can see in it, apart from the fact that it does not mention Her Majesty the Queen, is that it repeats several times the notion of a just society. It also promises that Her Majesty's Government will implement the legislation that was introduced but not followed through in the last session.

Now, honourable senators, we have had many speeches on the Speech from the Throne in the past, and with your permission I will digress from that subject and speak of an interparliamentary trip to Washington, D.C., that I was fortunate enough to go on in March of this year. The heads of that delegation were supposed to be the Honourable Sydney Smith, the Speaker of this chamber at that time, and the Honourable Mr. Lucien Lamoureux, the Speaker of the other chamber. Unfortunately, Senator Smith was unable to attend because of ill health, and the Speaker of the other place was unable to attend because the other place was sitting at the time. But appointed to head our delegation to Washington was the honourable Senator Alan Macnaughton, who did a very admirable job. I think the congratulations of this house are due to him for the excellent way in which he performed his duties.

Hon. John J. Connolly: Hear, hear.

Hon. Mr. Willis: Of course, the one man who is welcomed in Washington, or anywhere in the United States for that matter, is our own Senator Grattan O'Leary, because of his Irish wit and the sparkle in his eye.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Willis: You were not here when I spoke about you, Senator Connolly.

Hon. Mr. Connolly (Ottawa West): You would not have said those things about me.

Hon. Mr. Willis: The sparkle in his eye even attracted the mini-skirters. He is a wonderful man to have in a delegation representing Canada. Down there he really is called "Mr. Canada", and in the opening proceedings when the Secretary of State, Dean Rusk, was addressing the joint delegation, Senator Grattan O'Leary's name was mentioned and everyone wanted him to speak. But in his usual modesty he declined. However, I must say that he did not decline all the offers that were made to him and we all had a very enjoyable time.

Hon. Mr. Connolly (Ottawa West): Either you have said too much or too little on that point, senator.

Hon. Mr. Willis: I think I have said enough, and I leave the rest to the imagination, Senator Connolly.

I do want to outline in brief that this was the eleventh interparliamentary conference between Canada and the United States. Their delegation was headed by Senator Aiken of Vermont, who, I understand from Senator O'Leary, was offered the nomination for the Senate in the coming election, by both the Democrats and the Republicans. I also want to say that if Grattan O'Leary lived in the United States he could be elected President this year by acclamation. Unfortunately, he is barred because he was born in Gaspé, and I am not even so sure how his Irish, like that of Senator Connolly, would go down. But he is indeed very popular.

We were greeted by the Secretary of State, Dean Rusk, in the old Supreme Court building. By the way, their buildings are much older than ours, though they do have a new Supreme Court building now. At any rate, we were addressed by Mr. Rusk, and then we broke into two very important committees, one on Economics and another on Military Affairs.

Senator Lang, Senator Macnaughton and I and some members from the other place were on the Economics Committee. We had three very lively sessions, at which we discussed the economic problems which presented themselves to us and to the United States of America. We discussed the wheat agreements, the automobile agreement which we have, and everything of an economic nature that pertained to the interests of both countries.

I might say that our interests are not all the same. On certain points we differed with our colleagues down there, but such was the relationship among us all that it could not have been more co-operative or more educational.

The other day the Leader of the Government in the Senate suggested in his speech that we should have conferences on external affairs. I say that we should have them on other subjects as well. The only time a senator here really gets briefed by anyone, by any Cabinet minister, by any person, or by the departments, is when he is going on a trip and participate in some conference. That is wrong. I think we should run a series of committees so that every senator would be briefed on all of the problems and all of the agreements that we have, particularly with the United States but including other countries as well.

I think that is what we lack, and, as Senator O'Leary said in his remarks on the Speech from the Throne, we are subject to bureaucrats to a certain extent up here, and we only see them on such occasions as when they come to brief us.

I am not detracting from their importance or from their ability; I am not detracting from their standing in the Public Service of this country. But what I am saying is that I think they should be made to pay more attention to senators and to explain from time to time certain of the problems which they have to face. I do not mean that they should give away any Government secrets or anything like that, but we must become more familiar with certain topics, and I think that is the only way in which to do so.

I know that Senator Macnaughton, as the leader of our delegation last March, soon will table before this house the lengthy report which I now hold in my hand and which has been submitted to him and to the chairman from the other place. I hope each honourable senator will read it, and not just lift up the lid of his desk, put it in and forget all about it. It is a good report.

I must say also that the two public servants who represented the parliamentary association, Mr. Ian Imrie and Miss Jean Macpherson, did a marvellous job in making arrangements for us. To them we say a well-deserved thank you. I understand that is what they are doing all the time. It had not been my pleasure to meet them before being briefed on this occasion. I think they too should come before some of the Senate committees from time to time and tell us of their experiences. They have just come back from Lima, where they had a vast amount of experience and I think all honourable senators should have the benefit of that experience.

The evening we arrived in Washington the entire delegation, both Canadian and American, was received by the Canadian Ambassador, Ambassador Ritchie. After we had finished our business in Washington, we went to New Orleans, just to look around, and there we were welcomed by Dr. R. G. MacNeill and his wife. Dr. MacNeill is Canadian Consul in New Orleans and is a brother of John F. MacNeill, our former Clerk in this house. We were received in grand style, and I think all our representatives are doing a grand job there.

I want to come back now to the Speech from the Throne and in a very few minutes say something I have long been wanting to say. I have heard a number of speeches about Senate reform in the course of this debate on the Throne Speech. If this Senate needs reform, it should be reformed from within the chamber itself. In my view the people who are responsible for the Senate having a name that is not complimentary at times to senators are the senators themselves. We must take the blame. Why should we not have a publication inserted in the daily papers across this country setting out the number of committees which were published in the Senate *Hansard* the other day and setting out the names of the committees and the names of the people serving on those committees. I am asked by people from Toronto, as I am sure other senators are, "What do you do down there?" In answer we just shrug our shoulders. Very few people are aware of the work done, for example, by Senator Roebuck in the Divorce Committee, a volume of work equalled by very few Canadians, and the more remarkable when one considers his age. As I say, the people in my area do not know about the work being done, and I am sure the same applies in many other areas.

Who is better able to criticize this body than we ourselves? We do not have to face the electorate and we do not have to face constituents. We do not have to be careful about what we say concerning legislation because of political considerations; we can say what we think and what our hearts dictate. This is something we should keep in mind.

We have no publicity at all; we seldom see anything about the Senate in the newspapers. If you pick up the Toronto *Globe and Mail* or the Montreal *Gazette* or any other newspaper, you will see reports as to what has happened in the other place, particularly so far as questions and answers are concerned. What mention does one see of the Senate? Another fact that we should keep in mind is that this is a quasi nonpartisan body, and that being the case we are in a better position then anybody else to reform the Senate ourselves and to let the people know what the Senate is doing. What do they know of our committee meetings every morning we are here? What will they know of the work done by the Standing Committee on Banking and Commerce this morning? Yet that work involved much serious thinking on the part of the wise men who sit here. Something should be done to get it across to the public that we do not just come here, sit in our offices, put our feet on the desk and smoke a cigar and say, "We have made our attendance at the Senate", and disappear for the rest of the day.

Another thing that the people do not know is that we have a tally here. If we miss 21 days here we are charged $120, $60 of this being tax-free money. This is not the case in

the other place, but the people of Canada do not know that. Of course I should add that if we are absent through illness we are not charged this amount. Otherwise, if we lose 21 days of attendance this charge is made. Yet you see in the newspapers in Toronto and Montreal and elsewhere that so many members were present in the other place and so many were absent. It very seldom happens that a large number of senators is absent from this chamber. I would add that it is not because of the penalty alone that senators are conscientious in their attendance in this chamber but also because they have a sense of their duties and their responsibilities.

Honourable senators, I hope I have succeeded in making my points clear. As I have said, I feel we should have more committee meetings and that we should encourage public servants to come and talk to us. Furthermore, we should keep in mind that we have three Independent members in this chamber and with these and the semi- or quasi bipartisan group we have here, why should we not be able to reform this institution ourselves and find some way to make known to the people of Canada what the Senate is doing, and that it is composed of honest, sincere men of integrity who are willing to do the work that is allotted to them.

Hon. Eric Cook: Honourable senators I hesitate to thrust myself upon you for the reason there is little I can contribute to the excellent debate which we have so far enjoyed. However, I understand that we are not pressed for time, so, therefore, my few remarks will not have the effect of unduly delaying the Senate.

First, let me extend to His Honour my very warm congratulations on his appointment as Speaker. The Senate is indeed fortunate to obtain the services of our distinguished colleague. As Deputy Leader of the Government he had already gained our trust and respect, and I know we all wish him a happy and pleasant term of office as our Speaker.

We are also most fortunate in the appointment of Hon. Paul Martin as Government Leader. As someone has already remarked, the loss suffered by the other place is our gain. His skill as a debater is outstanding indeed, but in addition he has always demonstrated great leadership qualities. He has what might be termed a forward-looking philosophy of life. His leadership as Minister of National Health and Welfare put that department of the Government right abreast if not ahead of most other countries in that field. His work as Secretary of State for External Affairs confirmed Canada in the respect of the Western World, and I was indeed delighted to hear that he hopes, with the co-operation of his colleagues in the Senate, to carry on his work in the field of foreign affairs.

Not being in the habit of speaking too often, I do not think that I have congratulated Senator Flynn from my place in the Senate, although, of course, I have shaken his hand and wished him well. I think so well of Senator Flynn's abilities that I must keep my fingers crossed should he and my own leader have occasion for disagreement. In such an event, I may not be able to hope for Senator Flynn's being too successful, but, no doubt, he will acquit himself well with or without my good wishes.

Finally, may I extend a word of welcome and goodwill to all new senators. Particularly, of course, do I welcome my colleague Senator Petten. Many of you will remember his father, Senator Ray Petten, who was also a very good friend of mine. I am sure that, like his father, the present Senator Petten will be a well-liked, well-respected and hard-working member of this chamber.

I want to say a word about our former Leader, Senator John Connolly, and our former Speaker, Senator Sydney Smith. I was going to begin by saying that not all changes are improvements. However, if I say that, His Honour and the Government Leader will be vexed, so I will try a somewhat different approach. I join with all honourable senators in wishing Senator Smith well, and in thanking him for the kindly and able manner in which he presided over the Senate while our Speaker.

I would like to say a special word of thanks to Senator Connolly for his never-failing kindness and courtesy, particularly to those of us who started as "new boys" during his leadership. The work of the Senate went so easily and so smoothly under his direction that few of us realized the great amount of thought and planning involved in his work, and few of us always appreciated his great good humour and tact.

The debate immediately prior to my rising has been of a high order, and in particular I do congratulate the mover and seconder, to both of whom we are indebted for two excellent speeches. I know that we all wish to hear more from these honourable gentlemen, and there are many subjects which will come before the Senate on which they will be able to make valuable contributions.

Honourable senators, in my view the Speech from the Throne is a statesmanlike document. Having been successful in an appeal to the electorate and having a majority Government for the first time since 1958, the Prime Minister must have been tempted to jump on his horse and ride off in all directions. I feel sure we are all encouraged by the fact that the Government has faced up to the facts. The Speech indicates that the Government is aware that everyone has "great expectations" as to what this Parliament will produce. But rather than encourage unfounded expectations, or cause false hopes, the Speech outlines in sober, matter-of-fact words the absolute necessity of first completing the now unfinished work before Parliament, and then the need to plan for the new programs to come. However, the work now before Parliament, although not new, is very important and will have far-reaching consequences.

The improvement of parliamentary rules and procedures is something the people of Canada would like to see effected without too much more delay. Indeed, when one contemplates the many items facing Parliament and, at the same time, bears in mind the numerous matters which engage the attention of all members—some of which are important ones of principle, in addition to the many minor details of a more or less housekeeping nature —it becomes clear that the volume of the nation's business cannot be handled under rules and customs in force in previous centuries. Parliament can no longer serve as a stage on which one or more stars score debating points off their opposite numbers.

If, therefore, the present session can complete all or most of the program outlined in the Speech from the Throne—including, in particular, parliamentary reform and the current amendments to the Criminal Code—it will have served the nation well and will also have cleared the decks for further reform of general application.

As I have said before, I was particularly interested in the able speech made by the honourable the Leader of the Government, and do hope the Senate will avail itself of the opportunity, because of his presence, to take more interest in foreign affairs.

This has been my conviction for some time. Indeed, when I reported to the Senate on January 22 last on the Thirteenth Annual Conference at Brussels of NATO Parliamentarians, I urged the Senate to take this course. I closed my remarks at that time by saying:

> Would it not assist in the formation of a sound public opinion, in the field of foreign policy, if the External Affairs Committee of the Senate invited evidence and opinions on these important matters, and then made a reasoned and documented report to the Senate? The report of the committee would then be the subject matter of a Senate debate.
>
> It seems to me that this chamber might well perform a worthwhile service if we devoted more attention to Canada's foreign policy.

Unfortunately, I was not able to hear the most informative speech made by the honourable Senator Cameron, but I have read it with very great interest, and I do congratulate him on the most interesting portion in which he dealt with the present difficult position in some universities. I agree with his observations and conclusion in this part of his speech. However, notwithstanding the very great respect I have always had for his views, I cannot agree with some of his observations on foreign affairs. In part he said:

> For years Canada has encouraged self-determination, and has supported the rights of minorities. Yet, in this case we have let the legal fiction that we cannot interfere in the affairs of a Commonwealth partner prevent any effective action.

In my opinion, non-interference in the affairs of other nations is a cardinal principle of international law and, therefore, it is not correct to say that we cannot do so because of a "legal fiction."

On the other hand, Senator Grattan O'Leary has a different opinion, and he said:

> I submit again that this little country has no right to interfere in the domestic affairs of other countries.

I must confess I am more in agreement, in this instance, with Senator O'Leary than with Senator Cameron. However, I merely refer to the remarks of these two distinguished senators to illustrate how easy it would be to have a really good exchange of views in this chamber. Such an exchange—based on a report which, in turn, had been prepared after the Standing Committee on External Relations had heard witnesses well versed in the problem under discussion—would surely be of great help in reaching a better understanding,

by all citizens, of what is involved in these matters.

On motion of Hon. Mr. Yuzyk, debate adjourned.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 2 to 51, inclusive which were presented yesterday.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to Presentation of Petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 1, for the relief of Estelle Packer Richler.

Resolution 2, for the relief of Kenneth Alan Morton.

Resolution 3, for the relief of Paul Joseph Ernest Taillebois.

Resolution 4, for the relief of Keitha Louise Dion McLean.

Resolution 5, for the relief of Clemente Marcotte Cormier.

Resolution 6, for the relief of Adele Bergeron Wilkinson.

Resolution 7, for the relief of Jeannine Lacasse Lipari.

Resolution 8, for the relief of Luigi Roberto (Robert) Liberale.

Resolution 9, for the relief of Christopher Robert MacClure.

Resolution 10, for the relief of Andrea Buchanan Baldwin Johnstone.

Resolution 11, for the relief of Paolo Bengivengo, otherwise known as Paolo Bencivengo.

Resolution 12, for the relief of Sylvia Elizabeth Dyke Quinton.

Resolution 13, for the relief of Elizabeth May Kennedy Joseph.

Resolution 14, for the relief of Paul Emile Bisaillon.

Resolution 15, for the relief of Marie Gervaise Diane Gagnon Gaudet.

Resolution 16, for the relief of Roch Veillet.

Resolution 17, for the relief of Toby Sheps (Shaps) Wolinsky.

Resolution 18, for the relief of Chuck Pon Mah.

Resolution 19, for the relief of Rosalie Woolf Held.

Resolution 20, for the relief of Ronald Albert Lewis.

Resolution 21, for the relief of Dorothy Delores Lynn Tucker.

Resolution 22, for the relief of Marion Theresa Coyle Dubuc.

Resolution 23, for the relief of Yvon Desrochers.

Resolution 24, for the relief of Dimitrios Iordanidis.

Resolution 25, for the relief of Joseph Alfred Bosse.

Resolution 26, for the relief of Beverley Leona Gordon Timsit.

Resolution 27, for the relief of Orlando Di Pompeo.

Resolution 28, for the relief of Yvon Revary.

Resolution 29, for the relief of Nicole Ducharme Cadieux.

Resolution 30, for the relief of Friedrich Otto Leicht.

Resolution 31, for the relief of Pamela Alicia Mason Birks.

Resolution 32, for the relief of Elizabeth Ann Montgomery Richard.

Resolution 33, for the relief of Jean Joseph Xavier Gervais.

Resolution 34, for the relief of Winnifred Elizabeth Reid Duff Warr.

Resolution 35, for the relief of Dolly Renee Bringard Leroux.

Resolution 36, for the relief of Therese Hade Robert.

Resolution 37, for the relief of Blanche Irene Hill Testart.

Resolution 38, for the relief of Gilles Dumoulin.

Resolution 39, for the relief of Andrea Irene Stuart Goodchild.

Resolution 40, for the relief of Betty Ann Badcock Sutherland.

Resolution 41, for the relief of Hector Gosse.

Resolution 42, for the relief of Beatrice Ann Powers MacCallum.

Resolution 43, for the relief of June Wright Rashcovsky, otherwise known as June Wright Ross.

Resolution 44, for the relief of Brian Ryan Foran.

Resolution 45, for the relief of Maurice Caplan.

Resolution 46, for the relief of Lewis Thomas Agombar.

Resolution 47, for the relief of Samuel Herscovitch.

Resolution 48, for the relief of Robert Norman DeVeau.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be considered on Friday next.

Hon. Mr. Choquette: We might not sit on Friday. Next sitting?

Hon. Mr. Roebuck: No; the next sitting will be tomorrow. Friday next.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, September 26, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

THE LATE FRANCIS DANIEL JOHNSON, P.C.

PREMIER OF THE PROVINCE OF QUEBEC
TRIBUTES

[*Translation*]

Hon. Paul Martin: Honourable senators, it is with deep regret that I learned, as we all did, the news of the premature death of Premier Daniel Johnson.

The Province of Quebec—and all of Canada—has just lost a great servant. I do not hesitate to say that all Canadians, and specially those of the Province of Quebec, regardless of race, creed or political allegiance, mourn his loss.

Daniel Johnson served his province and his country with great distinction. He devoted a good part of his life to politics and, in the last few years, the heavy burden of his responsibilities doubtless contributed to his premature and tragic death which deprives the people of his province of a devoted political leader.

While fighting tenaciously for the interest of his province, Mr. Johnson gave great importance to the preservation of national unity. Even yesterday, in his press conference, he reaffirmed his faith in the future of Canada and his desire to see the rights of English and French-speaking Canadians guaranteed within the Confederation.

To his wife and his family, I extend the condolences of my colleagues in the Senate, to which I add the expression of my own deep sympathy.

Hon. Jacques Flynn: Honourable senators, one can never say it often enough, for it is the truth: public life is exacting.

In recent years, I often heard that the function of Premier of Quebec had become extremely difficult and exacting, even more perhaps than that of Prime Minister of Canada, because of tensions prevailing in Quebec and problems which that province's government had to face and to solve. Is that why three Quebec Premiers have died while in office since 1959?

The death of Daniel Johnson affects me deeply, because we had been friends since our university days. Already at that time, as president of the general students association of the University of Montreal, he gave every sign that he would have an exceptional political career.

For all Canadians, the circumstances surrounding his death are especially moving. On the day after his press conference heard across Canada and which was directed not only to the people of his province but to the entire country, he died in Manic. This event reminds us of the death of Mr. Duplessis at Schefferville, a locality also situated in northern Quebec where a remarkable development of tremendous resources is taking place. This sudden death also reminds us of the abrupt demise of honourable Paul Sauvé a few months after Mr. Duplessis' death.

On the political plan, in Quebec as well as across Canada, the events leading to Mr. Johnson's death offer some food for thought.

On coming back to his office and resuming his task after two and half months of convalescing, he was resuming a study of those problems of a very complex and serious nature that have been stirring for some months the public opinion in Quebec and in Canada.

Those who heard him yesterday on television could see that Daniel Johnson believed in the future of Canada. They could appreciate that he was willing to do everything within his power to hunt for solutions to outstanding problems and to promote a spirit of understanding sought by all the ethnic groups that make up our country.

As reported in today's newspapers, he had given public opinion some reassurance, not only in Quebec but outside its boundaries. We were already looking forward to a real improvement towards realizing the objectives of the 'bonne entente'.

On the day of his sudden disappearance from public life, two main qualities of Daniel Johnson must be recognized: in the first place, his courage; anybody else under the circumstances last year would have merely bowed himself out. He came back without any hesitation; moreover, his appearance on TV at the press conference yesterday was an exceptionally brave deed.

In the second place, I wish to mention his diplomacy. He succeeded in conciliating some apparently contradictory views by seeking an honourable compromise for all concerned. He held his own opinions, but let it

never be said that he did not respect the opinions of other people. He will be remembered as an eminent politician who had a useful career in his province and in his country. I hope that his memory will enable his successors to keep Quebec policies on a course leading toward a joint solution of Quebec and Canadian problems.

On my behalf and in the name of my colleagues, I offer my deepest sympathy to Mrs. Johnson, whom have I known for a long time, and to her children.

[*English*]

Hon. Allister Grosart: Honourable senators, when I saw the flag on the Peace Tower at half mast this morning I had a strange sense of foreboding, having watched Premier Daniel Johnson on television last night in what was probably one of the great moments of a great career. Little did I dream that it meant the passing of a friend for, like the honourable Leader of the Opposition (Hon. Mr. Flynn), I make bold to say that I had the privilege of calling Daniel Johnson my friend.

I had not seen as much of him in recent years as I had in earlier days, but each meeting I had with him reassured me that he retained his continuing and abiding faith in a Canadian solution to the riddle of Confederation that occupied his greatest years.

He believed in the concept of a Quebec *nation*, but he always insisted to me that even in English conversation and in this context, the word nation should be given the French pronunciation rather than the English. He used to say to me that the two words are not the same. It is one of the tragedies of our time that we cannot get everybody to understand that simple fact. I remember him saying: "Some day I am going to convince my English-speaking Canadian friends that there is nothing whatsoever incongruous in the concept of a Quebec *nation* within and part of a Canadian nation."

I first met Premier Daniel Johnson a good many years ago. He had just returned from a Commonwealth Parliamentary Association conference which I believe was held in New Zealand. He was bubbling with enthusiasm about what he had seen and heard and learned from his colleagues about the parliamentary process in other countries. He was also enthusiastic about a new-found friend. He said, "I learned more from that man in a month about the real meaning of democracy, during the time I spent with him, that in all the years I spent at school and college." He was referring to an Opposition member of the main Canadian branch delegation, now the Right Honourable J. G. Diefenbaker, for whom, like so many other Canadians, Dan Johnson's respect and admiration increased measurably with the years.

To some, I know there were apparent contradictions in his public political postures, but he was aware of this, aware, I know, that it stemmed from a deep inner dilemma, a dilemma that perhaps can only be understood by that very small handful of Canadians who have the unique distinction that he had, of a deep understanding of the English and the French culture and a love of the French and English languages.

I was often amazed at his knowledge of English literature. I remember one day in my home he took down from the shelf a copy of *The Pilgrim's Progress*. As he opened it and looked through the pages, and speaking in that charming bantering way of his, he said: "The pages of this book have become very dirty; you must believe in the old Puritan boast, 'A clean sword and a dirty Bible' ". He added, "I must read that book again, because it is one of the greatest books that I have ever read."

Honourable senators, this morning I took that volume down again and it fell open, perhaps not altogether by accident, at that wonderful account of the passing of Valiant-for-Truth. The words I read there seemed, to me at least, a fitting epigraph for the passing of this great Canadian:

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me that I have fought his battles who now will be my rewarder.

And John Bunyan's words go on:

> When the day that he must go hence was come, many accompanied him to the river-side, into which as he went he said: 'Death where is thy sting?' And as he went down deeper, he said: 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

Honourable senators, I predict that as the years go on, the trumpets will sound for Daniel Johnson again, on this side. They will sound more loudly, as Canadians come to understand him and to understand the tremendous contribution that he made to the preservation of our unity.

He was willing to be misunderstood, to be misinterpreted, particularly by those who had

not his political skill, his mental and physical courage to grapple honestly, yet realistically, with this great problem. He said that he was prepared to be judged by the end result. Honourable senators, if the end result of his labours is, as I believe it will be the preservation of the union, then surely the name of Daniel Johnson will be rewarded a very special place among those who in time will be called the saviours of Confederation.

I join with others in expressing to the members of his family my deep sense of sympathy and shock. We all know what his passing means to Canadians and to Canada, but only those who knew the love of this lovable man for his family will understand how great is the loss to them.

Hon. W. M. Benidickson: Honourable senators, on behalf of the ethnic groups to which I have a very dear, although they may think remote, connection, may I say that the day before the demise of the Premier he expressed a very great concern about their educational aspirations. I did not know Mr. Johnson personally, as did the previous speakers, but I admired and respected his actions in public life. I want to express great regret on behalf of those who go to the Province of Quebec as immigrants, because when Mr. Johnson recovered from his illness and came back to his high office he gave a new sense of hope in so far as their freedoms in education were concerned. Also, I wish to express my personal regret on his departure at this untimely time.

Hon. Arthur W. Roebuck: Honourable senators, I too would like to say a word on this occasion, although I have not prepared remarks so eloquent or so timely as my colleague across the floor, Senator Grosart.

I knew Daniel Johnson a good many years ago. I met him on that occasion which Senator Grosart has mentioned, the assembly of the Commonwealth Parliamentary Association in New Zealand in 1950. I was chairman of that convention and I had an opportunity to listen to Mr. Johnson on several occasions. Even better, so far as our friendship was concerned, he and I on at least one occasion, and possibly two, addressed the people of New Zealand on radio. I was impressed, and I still am, with his qualities of mind and heart and kindness of thought as he told the people of our sister dominion the advantages of a democratic government. We formed a friendship at that time and it never ceased.

As I listened to him last night I was again impressed with the kindness of his thought, the breadth of his vision and the truly patriotic attachment which he held for the Dominion of Canada, the people of his country and, particularly, for the province to which he belonged. He was, as Senator Grosart has intimated, in a difficult position because he had a highly nervous and intense population with which to deal. They were roused, as I think they should be, and we should understand it, about the situation in which they are now placed.

I was delighted with the attitude of the man as he attempted very quietly indeed to pour oil on the troubled waters, to instill the idea of moderation into the words of those who are indeed not very moderate. He was a true Canadian patriot and I think a very capable, moderate, highly intelligent and brilliant patriot. It may be a long time before we see his like again. I sincerely hope that Quebec can choose a successor as wise as he has been, with as good an attitude as he possessed and with the skill, eloquence and wisdom which he expressed.

I join with all my colleagues in expressing my sympathy for his relatives and my regret at his dramatic passing.

There is, however, a brighter side to the picture we see today. In all probability he has served his country in his very demise. The words which he spoke last night are emphasized by his death which took place shortly afterwards and will probably be read and quoted many, many times in the years to come.

[*Translation*]

Hon. Maurice Lamontagne: Honourable senators, a few years ago I read a novel by Hugh McLennan on the two solitudes which exist, or have been in existence for some time, in the province of Quebec between the English Canadians and the French Canadians. Personally, after having devoted several years to the study of the French Canadian society, I also thought that I had discovered a second dimension to those two solitudes and that is why, during these last few years, I have regretted deeply the increasing gap which developed within the French Canadian society itself, between the so-called elite and the French Canadian people. If we go back to the years 1820, to the Papineau years and later, we notice that several French-Canadian leaders have made an honest attempt I am sure, at exploiting the feelings of the French-Canadian people without a clear understanding of their long term

interests. We can see that the French Canadian elite worried much too much rather about the problems of their class and their group, than about the long-term interests of Quebecers.

Honourable senators, you may be thinking that these considerations have little to do with the tribute we are paying today to a famous man, the late Daniel Johnson. Yet I feel that he was one of our political leaders, on the provincial level, who attempted through his moderation to fill that gap, to conquer that solitude which had developed through the years, I might even say through the centuries, and certainly in the last few years between the elite and the Quebec people. At the time when the intellectuals, or at least some elements of that intellectual group, were attempting, perhaps with too much enthusiasm, perhaps also too late, to fall in step with France, the French-Canadian people had long since had the good, or perhaps the bad fortune, to adjust itself to the pace of America.

While I was listening to the honourable Leader of the Opposition praise the two qualities of Daniel Johnson which he mentioned, I decided to emphasize in particular his great quality of moderation, the realistic outlook which he kept concerning French Canada and the average French Canadian, whose spokesman he became, particular in the last few years, in order to serve their long range interests.

I wish to offer my most sincere sympathy to Mrs. Johnson and to her children.

[*English*]

PUBLICATION OF STATUTES ACT

BILL TO AMEND—THIRD READING

Leave having been given to proceed with the Orders of the Day:

Hon. Paul Martin moved the third reading of Bill S-2, to amend the Publication of Statutes Act.

Motion agreed to and bill read third time and passed.

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, October 1, 1968, at 3 p.m.

Hon. Jacques Flynn: Honourable senators, I would appreciate very much if the honourable Leader of the Government would indicate what is likely to be the business before this house when it reconvenes. I should also like to ask him why we are adjourning until 3 o'clock on Tuesday afternoon instead of 8 o'clock in the evening. It seems to me that there remain only a few honourable senators who wish to speak in the debate on the motion for an Address in reply to the Speech from the Throne.

Hon. Mr. Martin: There are a few more honourable senators who wish to speak in that debate. There are a number of bills, and some motions on the Order Paper, one of which stands in the name of Senator Lang.

Does my honourable friend have in mind the possibility that the funeral of the late Premier Johnson will be taking place on Tuesday?

Hon. Mr. Flynn: I do not know whether that is the case. It is supposed to be announced later this afternoon. My concern is whether there are any bills that we can consider on Tuesday.

Hon. Mr. Martin: Yes, there are three bills.

Hon. Mr. Flynn: It is my understanding that the explanations by the sponsors will not be long, and I am sure the bills can be dealt with by this side on Wednesday. I am suggesting that in the circumstances it would be sufficient for us to meet at 8 o'clock Tuesday evening.

Hon. Mr. Martin: Honourable senators, I have given some consideration to this. I have discussed it with a number of my colleagues, particularly the Whip on this side. That we should adjourn until 3 o'clock on Tuesday afternoon seems to be the best judgment. It seems to me that we shall have a long enough adjournment, if we adjourn this afternoon until Tuesday afternoon. In the circumstances, I think this is the right course to follow.

Hon. A. Hamilton McDonald: We will be sitting on Tuesday evening as well.

Hon. Mr. Martin: Yes, we will sit Tuesday evening as well.

Hon. Mr. Flynn: If the honourable Leader of the Government assures us that there is sufficient work to keep us busy on Tuesday afternoon, then there is no objection.

Hon. Mr. Martin: I am sure that very soon we shall have more than enough work to keep us here for a long time.

Honourable senators, in tribute to the memory of the late Premier Johnson of the Province of Quebec, I move that the Senate do now adjourn.

Motion agreed to.

The Senate adjourned until Tuesday, October 1, at 3 p.m.

THE SENATE

Tuesday, October 1, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

HON. SYDNEY J. SMITH

RETURN TO CHAMBER AFTER ILLNESS

The Hon. the Speaker: Honourable senators there can be no doubt that I express the sentiments of all senators in saying that we are very happy indeed to see our colleague and former Speaker, the honourable Senator Smith (Kamloops) back in his seat in the chamber and in good health.

Hon. Senators: Hear, hear.

APPROPRIATION BILL NO. 3, 1968

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-108, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

Bill read first time.

Hon. Mr. Martin moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

DOCUMENTS TABLED

Hon. Paul Martin: Honourable senators, I wish to table certain reports and other documents issued by the Government of Canada, a list of which will appear *in extenso* in *Hansard*. I call the attention of honourable senators particularly to the Revised Estimates for the fiscal year ending March 31, 1969, English and French texts.

(*The following documents were then tabled*)

Revised Estimates for the fiscal year ending March 31, 1969. (English and French texts).

Report of the National Librarian for the fiscal year ended March 31, 1968, pursuant to section 13 of the National Library Act, chapter 330, R.S.C., 1952. (English and French texts).

Report of the National Arts Centre Corporation, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 17 of the National Arts Centre Act, chapter 48, Statutes of Canada, 1966-67. (English and French texts).

Capital Budget of the Northern Transportation Company Limited for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with Order in Council P.C. 1968-121, dated January 23, 1968, approving same. (English and French texts).

Report of the Northern Canada Power Commission, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 24 of the Northern Canada Power Commission Act, chapter 196, R.S.C., 1952, as amended by chapter 42, Statutes of Canada, 1956, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, September 25, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

CUSTOMS ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin presented Bill S-10, to amend the Customs Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 52 to 147, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

THE ESTIMATES

FINANCE COMMITTEE EMPOWERED TO EXAMINE AND REPORT

Hon. Paul Martin, with leave of the Senate, moved:

That the Standing Committee on Finance be authorized to examine and report upon the expenditures proposed by the Estimates and the Revised Estimates laid before Parliament for the fiscal year ending 31st March, 1969, in advance of bills based on the said Estimates and Revised Estimates reaching the Senate;

That the committee be empowered to send for persons, papers and records, to print its proceedings upon the said Estimates and Revised Estimates and to sit during adjournments of the Senate; and

That the papers and evidence received and taken on the Estimates for the fiscal year ending 31st March, 1969, in the preceding session be referred to the committee.

Motion agreed to.

SPEECH FROM THE THRONE

ADDRESS IN REPLY ADOPTED

The Senate resumed from Wednesday, September 25, consideration of His Excellency the Governor General's speech at the opening of the session, and the motion of Honourable Mr. Phillips (Rigaud), seconded by Honourable Mr. Eudes for an address in reply thereto.

Hon. Paul Yuzyk: Honourable senators, at the outset let me congratulate Senator Paul Martin on his appointment to the responsible high position of Government Leader in the Senate, and Senator Deschatelets on his elevation to the Speaker's Chair. I wish them well in the discharge of their duties for which they are so eminently qualified. They succeed Senator John J. Connolly and Senator Sydney Smith, respectively, both of whom served the Senate wholeheartedly and brought increased honour to it. Consequently, all members of this chamber are grateful to them, not only for the excellent performance of their duties of office but also for their warmth of friendship which we shall continue to enjoy on a more unofficial basis.

Because of my ancestral background, I wish at this time to give public credit and convey appreciation in particular to Senator Martin and Senator Connolly (Ottawa West) for their efforts to become trilingual. Both are perfectly bilingual in the two official languages. Both have participated in conventions and national celebrations of Ukrainian Canadians, at which they have displayed a scholarly knowledge of Ukrainian history and cultural contributions to Canada and have spoken several sentences in the Ukrainian language.

Despite our political differences both have encouraged me in my work, as have many other honourable senators in this chamber. As I have done in the past, I am always ready to co-operate and work with all men dedicated to the principles of democracy, liberty, justice, equality and brotherhood in the building of a better Canada.

We are all aware that in addition to English and French there are many other languages spoken in Canada. Rarely do we hear some of these mother tongues of Canadians spoken in Parliament.

Having been requested by several senators, permit me to recite in Ukrainian—a language now taught in the high schools of the three prairie provinces—a popular verse by the great poet Taras Shevchenko, whose statue stands in front of the Legislative Building of Manitoba. This literary gem, which can easily be memorized by any Canadian, is very applicable to our multi-cultural society:

Uchitesya, braty moyi, Dumayte, chytate;
I chuzhodo nauchaytesh, Svoho ne tsuraytesh.

This is the translation in English:

Learn, my brethren,
Think and read;
Study other cultures,
Do not deny your own.

Here is my French version of this verse:

Apprenez, mes frères,
Pensez et lisez,
Étudiez les autres cultures,
Ne niez pas la vôtre.

The speeches of the two new members, Senator Lazarus Phillips and Senator Raymond Eudes, the mover and seconder of the motion for an Address in reply to the Speech from the Throne, were of the high calibre, in substance and presentation, that has become traditional in this chamber. They show promise of better things to come.

I was impressed by the fact that Senator Phillips was proud of his Jewish origin. Indeed, he is a very worthy representative of a leading ethnic group that has contributed greatly to the many-sided development of Canada, thus helping to improve the material and spiritual welfare of all Canadians and the

stature of Canada abroad. I find myself in full agreement with his statements that:

> in the pluralistic mosaic of Canada the aspirations and ambitions of all Canadians must be placed on an equal footing.

And that the inspiring word "Canadian" must mean:

> ...the sum total of the rights, privileges, duties and obligations which every citizen of this country enjoys and shares equally, from sea to sea, regardless of his ethnic origin or religion.

I am sure that Senator Phillips is aware that this has not been fully achieved, and that he will find sympathetic support in the Senate for the realization of this high ideal.

Honourable senators, the Speech from the Throne that opened the twenty-eighth Parliament of Canada vaguely referred to the objectives of a just society, in which there would be: "the righting of wrongs and...the opening of opportunities long denied."

The Government, following the recommendations of the report of the Royal Commission on Bilingualism and Biculturalism, plans to introduce an Official Languages Act as one phase of constitutional reform. Many of these wrongs, injustices and denied opportunities are suffered by members of our minority ethnic and cultural groups. Something must be done to improve the situation, or it may lead to undesired repercussions and harm to our country.

I would like to draw the attention of the members of this house, and, indeed, of Parliament, to some of the conclusions reached by the 1968 International Conference of Christians and Jews, held at York University in Toronto during the first week of September this year. There were some 200 participants, preponderantly from the United States and Canada. Among them were professors, clergy, social workers, politicians, educators, lawyers, judges and people from various walks of life, of various origins, colours, classes and creeds, including myself. They conferred for five days in commissions dealing with the theme, "Overcoming the Barriers to Communication".

The commission on Ethnic Groups and Value Systems came out with some rather startling observations, which could be useful to us in helping to find solutions for some of our problems in Canada. I read from their report:

> The current problem between racial and religious groups takes the form of a power struggle which unless resolved will have serious consequences for western society.
>
> Canadians, who at the outset felt their country's situation to be far different and far less troubled than that of the U.S.A., later agreed that, indeed, both countries faced similar problems stemming from similar causes. It was felt that perhaps Canada still had time to learn and benefit from the experience of the U.S.A.
>
> Causes of group conflict were identified clearly as (1) Racism and ethnocentrism on the part of the majority group, in western society. This majority has zealously maintained one set of value systems as superior. All others they denigrate. The second reason for conflict which in many cases is caused by the first, is the struggle between the have-nots and the haves—the powerless and the powerful. As a result of society's failure in these two areas tensions between the generations have been polarized and nourished. Thus the first two conflicts have helped to create yet another power struggle.
>
> While legislation is vital, it is only a partial solution to the problem. Laws which set standards for the behaviour of institutions and individuals toward those in minority groups are indeed necessary. Pending a change in attitudes, the enactment of such legislation can afford the protection of the minority groups' rights. It can also serve as an educational tool to bring about the desired attitude changes.
>
> While minority ethnic and racial groups have made sustained attempts to communicate over a long period of time, it is clear that the majority has failed to listen and act. Thus tensions exploded into violence. While this violence and its consequences are deplored, it must be recognized that their extreme means of communication in the U.S., and the threat of it in Canada, did finally result in the beginning of change...
>
> Moreover, white youth leadership is aligning itself with non-whites out of what they see as a spiritual affinity. Like the non-white because of what they feel to be society's inability or unwillingness

to deal with grave moral issues, some youth are attempting to change the society, others go as far as to reject it.

Given this set of circumstances, the dominant groups in white western society have but two choices.

One is repression—total repression. This is hardly a viable or moral solution.

The other is sharing—total sharing of power and its products. This would mean moral, religious, intellectual power; economic, political and social power.

The commission considered that there were three vital interests of special importance to minority groups: (1) minority rights (including the right to preserve and promote certain distinctive traits or patterns of behaviour which pose no threat to the common good); (2) economic security; and (3) a greater measure of "participatory democracy."

It is significant that the commission rejected the "melting-pot theory" of assimilation, which many felt led to the present disturbances in the United States, and approved the Canadian concept of integration.

> Ethnic groups create the multi-cultural pluralist society of our age... They are one dominant mosaic within the state. Their diversity need not divide, but rather must enrich society. Only out of diversity will come the new unity of peoples. But all ethnic groups require the inspiration and guidance of a public and social philosophy of their vision of the new society. Their aspiration is not only to survive and flourish with their values, religious and cultural, intact, but also to offer them to the society as a whole for acceptance and even exchange. This is the challenge and constant dynamic in society today rather than the religious confrontations of a century ago.

The commission urged the gradual creation of the new society based on the principles of distributive and social justice. It could be achieved much faster if the spirit of goodwill and understanding motivated all the groups in the society. Here is how the strategy of attitude was defined:

> All ethnic and oppressed minorities recognize that it is critical to bring about an effective change in the attitudes of majority groups. This is the factor, psychological and mental, that calls for reprocessing and programming. Minority groups in our society cannot get through these obstacles to awareness of this social and economic predicament. Violence is a protest against this obtuseness of the dominant groups. The majority powers need to acquire a genuine openness of mind and heart, greater awareness, sensitivity and humility. These are primary goals that must be striven for with every available, effective resource.

This year, the twentieth anniversary of the Universal Declaration of Human Rights by the United Nations is being marked by rededication to that ideal for the peoples of the world. The Canadian Citizenship Council in 1964 declared that "the maintenance of human rights should be the basic objective of the citizens of Canada."

A list of our rights as Canadians would be long, providing proof of our freedom. In his essay "Belief and Action" Viscount Samuel has set a standard. The man who is fully free is one who lives in an independent country, in a democratic state, in a society adhering to laws of equality with a minimum of restrictions, in an economic system providing latitude for secure livelihood and assured comfort and full opportunity to rise by merit. The state in democratic terms exists for the benefit of the state, as is practised in totalitarian countries.

In Canada we possess the right to belong to and support the religion of our choice, the political party of our choice, to speak our minds and to assemble and organize ourselves. In our pluralistic society this would appear to provide a guarantee of full freedom. Individuals seem to be protected against the tyranny of the state. Society, however, has a duty toward the individual in that it must provide new opportunities for self-development, encourage scientific research and extend education to improve material and human welfare by making the best use of human and natural resources for the benefit and happiness of all citizens.

Democracy has always been faced with the problem of synthesizing legislated law and freedom, and adapting law to meet changing circumstances. The broad principles of democracy are synonymous with the ideals of the good life and the just society which have been enunciated thus:

1. All human beings have absolute worth regardless of race, religion or material possessions.

2. Reason and conscience are essential guides to human behaviour.

3. Human beings possess fundamental equalities which must be respected.

4. Freedom, limited only by moral responsibility and social justice, must be forthcoming to all human beings.

All Canadians are involved in the process of change. Life is becoming more and more complex, to which our citizens of necessity must adapt themselves. The only safeguard of individual and group rights is a sound and vigilant public opinion which can be implemented by conscientious leaders, inspired by the highest ideals of democracy stated above.

The Federal-Provincial Conference of February of this year has initiated the process of constitutional reform in Canada. A new bill of rights to supplement the one of 1960 has been proposed, as well as other not clearly defined constitutional changes. Here is where public opinion can and will play an important part. Our leaders and citizens must be conscious of one important fact that majorities, because of their dominant position in our society, usually do not feel the need for constitutional reform. The corollary is also true, that minorities without status, without power and without effective voice feel that their rights should be protected by the Constitution.

An excellent essay on human rights, published in "The Royal Bank of Canada Monthly Letter," January, 1968, refers to the rights of minorities in the following manner:

> What is needed in applying the rules of human rights is that in addition to the principle of majority rule there should be recognition by every group in society of the legitimacy of minority group interest, provided, as Sidney Hook wrote in *The Hero in History* 'the group in question accepts the methods of free inquiry and democratic decision as principles of negotiating conflicts of interest'.
>
> Majorities should be generous and gracious. They can spoil their goodness if, while admitting that it takes all sorts of people to make a world, they say it as though they find it a regrettable thing. On the other hand, minorities should beware lest insistence upon rights should become a hammer by which affection is beaten to death.
>
> The fundamental cause of group and class conflict is the attitude of superiority on the part of one group or class toward another. It is essential that minorities be encouraged to take part in the common life of the community, whatever customs and cultures they wish to preserve among themselves, and that they be welcomed warmly by the majority.

Honourable senators, in my maiden speech, delivered in this chamber on March 3, 1964, I employed statistics and history to bring out the fact that Canada was a multicultural rather than a bicultural society and that the ethnic groups of non-British, non-French origin formed almost one-third of the population, which desired recognition of their rights as partners, who have contributed and are constantly contributing to the building of a better Canada. In the five years that I have been serving in the Senate I have maintained communication with the leaders, the leading organizations and the press of most of the ethnic groups, including the Indians. During this time, these ethnic groups of the third element have found various means of cooperation in order to have a stronger voice in the affairs of their country.

There are mary sceptics, not only in the British and French groups but also in the other ethnic groups, who believe that a united voice and action of the third element is impossible and even undesirable. Such people do not take into consideration that the organizations and spokesmen of the ethnic groups were given the opportunity to express their views to the Royal Commission on Bilingualism and Biculturalism in its hearings across the country.

From the many reports that I have read, I have come to the conclusion that there is fairly unanimous opinion that Canada should be bilingual in some form; that our country is not bicultural but in reality multicultural; that official recognition should be given to multiculturalism by permitting non-official languages and cultural subjects to be taught in the public and secondary schools and in the universities, wherever there would be sufficient numbers to maintain such classes; that the Canadian Broadcasting Corporation should sponsor regular programs on the national radio and television networks, presenting the contributions of our ethnic groups, which would promote better understanding of our cultural heritage; that ethnic groups should receive more representation in governmental bodies and national institutions, and should not be discriminated against in the federal, provincial and municipal governments and services.

These Canadian ethnic groups are greatly concerned about many developments and recent Government statements and actions. They are rarely, if at all, consulted. Yet they feel that they are an integral part of society and should be consulted in matters where their fate is involved. They want to see justice done in the proposed "just society", in which they do not want to be second-class citizens.

To make it possible for the ethnic groups to make their views known, for the Government and Parliament to communicate with them, to prevent tensions and conflicts and to maintain unity in Canada, I have taken the initiative to convene a Thinkers' Conference on Minority Rights, to meet in Toronto, towards the end of November, prior to the Federal-Provincial Conference on the Constitution. A Senate Committee of Patrons, (unofficial), was established last March, consisting of myself as chairman; Senator Norman A. M. MacKenzie, former President of the University of British Columbia, former President of the Canadian Centenary Council and Professor of Internatonal Law; Senator Maurice Lamontagne, former Secretary of State; Senator David Croll, first Jewish Cabinet Minister (Ontario) and Senator in Canada; Senator James Gladstone, first Indian Senator in Canada. I am happy that other senators have volunteered to assist.

Several prominent institutions have consented to become patrons of this conference, namely, the Canadian Citizenship Branch, Department of the Secretary of State, the Canadian Citizenship Council, the Canadian Folk Arts Council, the Canadian Council of Christians and Jews, and the Canadian Ethnic Press Federation. The Royal Commission on Bilingualism and Biculturalism has offered its co-operation.

The actual preparation of the conference is in the hands of a committee of prominent citizens in Toronto. Experts from various parts of Canada have agreed to present position papers on important topics in both official languages. The conference will study minority rights in relation to possible changes in the Constitution, the desirability of establishing a council as an advisory body to the governments, and the feasibility of convening a national assembly of the ethnic groups. Most of the central and leading organizations of the ethnic groups have written that they will participate.

In my opinion this can prove to be an important conference, which will have a bearing on future developments in Canada, particularly in establishing and perpetuating good relations among all the elements of our population, thus helping to make Canada a better place for all in which to live. The Senate, as a protector of the rights of minorities, can derive some satisfaction from its contribution to the cause of Canadian unity.

[*Translation*]

Honourable senators, French-Canadian newspapers have recently published a number of articles, some favourable and others sceptical, concerning the ethnic groups conference. I wish to reassure all French Canadians that the ethnic groups generally respect their struggles to maintain and preserve their identity and their culture. Discussions during the conference will take place in English and in French. Only with mutual respect, understanding and co-operation will we be able to build together a better Canada for ourselves and our children.

[*English*]

Hon. Norman McL. Paterson: Honourable senators, first of all, I would like to congratulate our honourable Speaker and at this time tell him how much we appreciate his lucid and careful explanation of the Estimates last year, when he presented the Appropriation Bills in the Senate on behalf of the Government.

Also, I take the liberty of joining with those who congratulated the mover and seconder of the Address in reply to the Speech from the Throne. At this time I also congratulate the new senators and wish them happiness and satisfaction in their new labours.

Honourable senators what I am about to say may seem very tiresome, coming after the brilliant speeches we have heard, but my remarks concern the most important industry in Canada.

As I am the oldest member in years of membership of the Winnipeg Grain Exchange, and perhaps the oldest in age as well, I would like to tell you a little about the Exchange. I do so because of the misunderstanding which is prevalent, especially in the case of two ministers in the other place, the Minister of Labour and the Minister of Agriculture, both of whom made statements blaming the recent strike on the Winnipeg Grain Exchange. After my remarks. I think you will see that the Grain Exchange had no part in it and cannot be blamed for the strike.

The Winnipeg Grain Exchange occupies a building built by the Traders' Building Association, to which it moved from Princess Street in 1907. At that time it was the largest

building in the British Empire, it became second only by the erection of an addition to the Sun Life Building in Montreal, I believe.

The Winnipeg Grain Exchange is owned by the Traders' Building Association Limited, a joint stock company subscribed for by grainmen. Those men have all passed on, but the building is still owned by the Traders' Building Association, who rent rooms to the members of the Winnipeg Grain Exchange.

The members of the Winnipeg Grain Exchange are composed of representatives of linseed mills, flour mills, brewers, maltsters, shipping companies, railroads, telegraph companies, and many others outside Winnipeg who use the facilities. The facilities are really about the best that can be had.

On several occasions in recent years the Winnipeg Grain Exchange has been accused of certain things, and investigations have been made. In nearly every case, the investigation has proven that the Exchange performs a service second to none in the world. Through its facilities it is in constant and immediate touch with London. New York, Paris, Chicago and all the markets of the world, and it is constantly aware of the demand and supply and the growing conditions of other crops.

The Winnipeg Grain Exchange has been accused at times of being a gambling hell. Of course you can gamble there. You can gamble on the stock exchange; you can gamble at horse races; you can gamble when you pay taxes in Montreal. I think there are people here who will agree with me, that the greatest gambler in Canada is the producer of grain. He bets his whole summer's work against grasshoppers, chince bugs, cutworms, rust, smut, too little rain, too much rain, early frost, and a host of other things. And yet, while he is a gambler, he is the most important economic man we have in Canada.

I would like to tell you something about the elevator situation at the head of the lakes. There are 23 grain elevators operating and one obsolete. The total capacity is 104 million bushels. Of those elevators, 15 are owned by producers of grain, comprised as follows: three by the United Grain Growers Grain Company, four by the Manitoba Co-operative Wheat Pool, and eight by the Saskatchewan Crop Wheat Pool. The other eight elevators are owned by private companies.

The co-operative pools do not pay income taxes. The Grain Growers' Grain Company does pay income taxes. The remaining eight elevators belonging to non-co-operative companies, or private owners, do pay taxes.

The total capacity at the producer-owned elevators is 66 million bushels. The total capacity at the privately-owned elevators is 38 million bushels.

Just a word about the elevator business. When one considers that their capacity is 104 million bushels, but finds the statistics showing stocks at the head of the lakes at 90 million bushels, which it was during the strike, it may raise some question; but it is easy to explain why they were congested. For instance, most elevators are built of round, cement tanks with a capacity of about 20,000 to 50,000 bushels each. In the interstices between the tanks, which are called star bins, they run probably 5,000 to 15,000 bushels. When I first went into the grain business, all the box cars had a carrying capacity of 40,000 pounds, or 750 bushels of wheat. Today the carrying capacity is 120,000 pounds with space for 2,000 bushels, and, if necessary, an overload of 500 bushels.

When a car arrives at the head of the lakes it is binned with the same kind of grain, but, for example, if a car arrives with one northern mixed with heated, which is prevalent because of some poor storage facilities in the West, it must be kept separate until like grades arrive. Therefore, when put in a bin by itself, it usually occupies more space than needed; and when one considers the variety of grades, all the way down from one northern, two northern, three northern, four, five, six and feed, of wheat alone, and then considers the various grades of wheat, oats, barley, rye, flaxseed and rapeseed, you will understand what a difficult time is had in using all the space economically, and some wonderful "conniving" is probably done.

In my day the elevators were practically all run by Scotsmen from the Isle of Skye, the names mostly MacKinnons, MacKays and MacDonalds, and they drove the inspectors almost out of their minds by talking Gaelic, and I imagine they still do. However, the strike is over and the congestion is somewhat relieved, although there were 22 million bushels in cars waiting.

Now for the strike. The average wage paid in 1967 was $2.56 per hour. The union demanded an increase of $1.25 or, in other words, practically a 50 per cent increase. Honourable senators will remember what a furor was created when the Seaway workers were granted an increase of 30 per cent. To grant this demand would mean a daily wage of $30 per eight-hour day, plus time and a

half for overtime, plus double time for Sundays and holidays.

Now, I venture to say there is no farmer in western Canada who makes that much money; what is more, the farmer did strenuously object, through his representatives, to paying that increase. Also one must bear in mind that out of the 1,200 strikers, 900 were employed by the elevators owned by the farmers, and 300 were employed by elevators owned by private enterprise.

Really, the balance of power was with the producers; they strenuously objected, and nobody can blame them. They only settled at $1.05 to be paid in stages till 1970, after much pressure by the Government. This explains the delay in settlement. I would like to make it clear once more, that definitely the Winnipeg Grain Exchange was in no way involved in this strike, either in causing it, prolonging it, or in settling it.

In reading the statistics I find those given out by the Government show a carry-over of 667 million bushels of wheat, but, further down in the statistics it mentioned that this does not include the amount of grain on farms. Now, when a farmer has a crop of 25 bushels per acre and he is only allowed a quota to market five bushels per specified acre because of lack of space, it remains that he must have the other 20 bushels on the farm; therefore, the amount on the farm may be considerable, plus the new crop which is now being harvested. However, it would be better for me not to stress this point but, in any case, very little is ever published of what goes on in the Senate so I am quite safe in making this remark.

I am reminded of my trip some years ago as representative of Ducks Unlimited to Little Rock, Arkansas. I was asked to make a statement as to the progress Ducks Unlimited was making in Canada. After consulting the officers, I put a few remarks on paper and asked the president if that would be satisfactory? I was about to say that a few years earlier the estimated duck population was about 54 million and at that time had risen, through careful management of both Ducks Unlimited and Wild Life Service, to 150 million. However, the president said: "Oh, no, you must not say that, because we would never collect another dime from those who give us money.", so I modified my remarks to say that "advances had been satisfactory."

Now, in regard to our crop, if we let it be known too widely that we have a surplus, perhaps our prospective buyers might sit still and expect us to give it to them for nothing. So it is perhaps just as well not to advertise that fact. It appears that the whole world had good crops, but we all hope that we will be able to get rid of our surplus. In any event, these statistics should help to clear the air.

Hon. Allister Grosart: Honourable senators, my first pleasant duty today is of course to pay my compliments to His Honour the Speaker. Perhaps he will understand if at this late stage of the debate I say no more than that I associate myself enthusiastically with what has been said by my colleagues and to add, perhaps, that he did not need his elevation to this high office to be made aware of the regard in which we all hold him.

This chamber has been honoured by the appointment as Leader of the Government of one of the great parliamentarians of our time. I never said this to him before, but in my college days he was my idol. I was an aspiring debater and he was the pride of the campus and the paragon of all aspiring debaters. If my admiration for him is now—to use Ben Jonson's phrase—today a bit "this side idolatory," it is only because of the difference in our associations and the influences to which I was subjected. Nevertheless, my regard for him is as great as it ever was and is well founded on his own great political achievements.

I am glad to see that his destinguished predecessor, Senator John J. Connolly, is still with us—although I am sorry he is not in his seat today—and that he is still very active in the affairs of state. I would like to draw to the attention of the Senate the fact that recently he was elected as the first Canadian member of the Executive Committee of the Commonwealth Parliamentary Association. He was elected as the representative not only of the Canadian branch but of all the branches in Canada attached to the ten legislatures. This is a rare honour indeed; it is the first time it has come to a Canadian.

I very much regret, honourable senators, for reasons that will become apparent in a moment, that I was not present to hear His Excellency's Speech from the Throne or the very fine speeches made by the mover and seconder of the motion for an address in reply. However, I have read those speeches very carefully and some phrases in them have inspired some of the remarks that I will be making today. I congratulate the mover and seconder heartily, particularly for the humanitarian statements that were contained in their addresses.

With them I join in the welcome that has been extended to some of our new colleagues. I wish to assure them that if my experience is any guide and if they have the will to work, they will find here many opportunities for service. While they may not get a great deal of public recognition—many of us here, I think, have ceased to seek that—they will get the inner satisfaction of knowing that a summons to this place can be a call to important public service.

I join in the expressions of regret for those who have left us. They were our colleagues and our friends, and we would all agree that in our associations with them we found enrichment for our own lives.

I wish once again to pay my respects to my own leader, Senator Flynn. He was our unanimous choice when Senator Brooks stepped down. For that reason, and for others that are unfortunate but I am sure are temporary, he is not likely to add to his vote of confidence numerically in the near future, but I can assure him he has done so in many other respects.

I would perhaps have made some rather general remarks on the motion before us and on the speech to which it refers; however, I thought Senator Everett in his speech the other day pretty well summed up my own reaction, and I think he spoke from inside information. One of his remarks was that the speech lacked poetry. I agree with him. I am sure Senator Everett in anticipation sighed with Shakespeare's chorus—

> O for a Muse of fire, that would ascend
> The brightest heaven of invention,—
> A kingdom for a stage, princes to act,
> And monarchs to behold the swelling scene!

Such at least was the general expectation but all we got was some rather dull prose, I thought, explaining why on that particular occasion the Muse was still out to lunch. There is hope for the future. The great significance of the speech, as Senator Everett said, was that it very definitely left the way open for a better one the next time, to which I think we can all say a fond amen.

A particular matter with which I would like to deal today comes from a reference in the Speech from the Throne to what was called "a thorough review of our external and defence policies." This is the subject to which the leader has particularly invited us in the Senate to turn our attention. The speech said:

> Canada's contribution to NATO, relations with Peking, with Latin America and with Europe are being studied currently. Reviews of our relations with other areas will be undertaken later and, as conclusions are reached, Parliament will be invited to consider them.

I am going to suggest, honourable senators, that one of these other regions which has been temporarily put aside in this planning, namely the Caribbean, should have a new Canadian political initiative now, not later. I suggest that this is an area where we need for the time being no more studies. The time has come for action—political action. I have attempted to bring myself up to date with the situation, and I would have to say that there is enough paper in the studies prepared in our own Department of External Affairs to cover the whole of the islands of the Caribbean from the Bahamas in the north to Trinidad in the south and from the Caymans in the east to the Barbados in the far west.

I do not deprecate research before action; I do not criticize these studies. Many of them are excellent, particularly those prepared in the Department of External Affairs, and the Department of Trade and Commerce, and many of them were called for specifically by the present leader of this house in his former capacity. But what I have noticed in going through these papers and in listening to and reading speeches is that nobody seems to want to mention the kind of political initiative from Canada that I have reason to believe our friends in the Caribbean, particularly in some of the smaller islands, many of which are on the verge of becoming new nations, would welcome from Canada today.

I am not going to suggest that I am an expert in Canadian-Caribbean relations—far from it. I say that because I recall that the Leader of the Government in his former capacity, sometimes, and probably with very good reason, became apprehensive about the tendency of some Canadian parliamentarians to rush in to external affairs where the angels of the department feared to tread, and perhaps with good reason, because they are public servants, not public policymakers.

However, in this particular region in which I am interested they still fear to tread. For that reason I make no apology today for associating myself with the not inconsiderable number of Canadian parliamentarians who think that the time has come for more, rather

than less, rushing in by parliamentarians to this particular field of public policy.

A start has been made. Mr. James Walker, M..P, who is Parliamentary Secretary to the Prime Minister and the Chairman of the Commonwealth Parliamentary Association, proposed a motion, which was accepted quite recently, that there be formed a Canadian-Caribbean Committee of Parliamentarians in Canada. He made the motion at a conference here in Ottawa, which was attended by 15 Caribbean parliamentarians, including three premiers and a number of Canadian parliamentarians. I was glad to see that among them were Senator John Connolly and Senator Kinley, whose interest in this area is well known. There were also economic experts, including Mrs. Kari Levitt the co-author of perhaps the most objective recent study on Canadian-Caribbean Commonwealth relations entitled, *Canada-West Indies Economic Relations,* which was sponsored by the Canadian Trade Committee of the Private Planning Association of Canada, and published by the Centre for Developing Area Studies at McGill University. I shall refer to that book as I go along.

Mr. Walker's motion was enthusiastically received, I would say, certainly by Caribbeans and, as far as I could see, by all the Canadians present.

In what I have to say today, honourable senators, I am not speaking to that committee. I should perhaps say I am not speaking for any of our Caribbean friends who were at that conference. As I say, some were premiers and other ministers of governments. None of them is aware that I am going to make the suggestions I am making today and, except in a very broad way, I did not discuss this specifically with them.

I repeat, I am no expert, but I hope that my remarks will be found to be reasonably well informed. I have been on most of the islands, by no means always as a mere tourist. On one occasion not too long ago I spent two very exciting weeks as one of four outside observers at a regional conference in the Caribbean attended by representatives of all the governments. As I said, I have spoken to many premiers, chief ministers, ministers, members of Parliament and some officials in the Caribbean, and I read as widely as I could, both before and after these visits.

Furthermore, a couple of weeks ago—and this is my excuse for my absence in the early days of this session—I travelled across Canada with these 15 Caribbeans, including the premiers from Antigua, Grenada and St. Kitts. They were guests of the Canadian branch of the Commonwealth Parliamentary Association, which arranged not only for the tour and for the reception in various provinces, but also for some very useful discussions held in these buildings at which, I think, they and Canadians were fortunate in having the attendance of the Honourable Mitchell Sharp, the Honourable Jean-Luc Pepin, and Mr. Maurice Strong then Director-General of External Aid. I believe his branch is now known as the Canadian International Development Agency.

The occasion was perhaps in itself a bit of rushing in, by amateur politicians, into this very delicate area. Some called it "Operation Channel 2." The thought, as I understand it, was to provide a second channel of communication between parliamentarians of the Caribbean and parliamentarians in Canada, to augment, but in no way to by-pass or supplant the official and diplomatic channels, on whom, of course, the major responsibility for these matters lies.

Our friends were received by the provinces to which the C.P.A. was able to direct their tour, officially by representatives of the governments of Quebec, Ontario, Alberta and British Columbia; by mayors of some of our leading cities; by Lieutenant-Governors—

Hon. Mr. Burchill: Did they come down to the Maritimes?

Hon. Mr. Grosart: They did not. And in reply to that question I may digress to say that the most serious criticism made of the arrangements, particularly by Maritimers, was that the tour did not include the Maritimes. Of course, the criticism was based on the fact that our traditional relationships with the Caribbeans have been historically centred in the Maritimes.

It is not for me to say what was the reason for this, except to say that if the funds had been available and they had had the time, the tour would certainly have included the Maritimes. The visitors were consulted in advance as to where they would like to go and, whereas I would not wish to put the blame in any way on them, the consensus decision, as I understand it, was for them to be in Quebec, Ontario, Alberta and British Columbia.

There was a particular reason why they should go west, namely, that towards the end of the tour there were meetings in Vancouver and Victoria of the Canadian Region Conference of the Commonwealth Parliamentary

Association. The Canadian region consists of the branch attached to this Parliament and the branches attached to the other ten legislatures. It was thought desirable, for the first time in history, to have a substantial group of parliamentarians from the Caribbean region attend a conference of the Canadian region, or area, as it is variously called.

I hope that will be an answer, even if not a completely satisfactory one, to the senator from the Maritime provinces.

Hon. Mr. Hollett: The Atlantic provinces!

Hon. Mr. Grosart: I am corrected by Senator Hollett, who asks me to call them the Atlantic provinces. I have often wondered why, because personally I do not see any great difference between "Maritime" and "Atlantic." I do not think there is any possibility of any confusion, although they might be identified with that other maritime area, British Columbia, and it is not for me to say whether they would like that comparison.

Honourable senators, I was describing very briefly the tours and receptions that the gentlemen of the Caribbean enjoyed while they were here. I was about to say that the highlight of their visit, was the very warm and gracious reception given by the Prime Minister. It had many advantages for them, and for a few of us it had a particular advantage in that from then on they stopped asking some of us what had happened in the not so merry months of May, June and July. Having met the Prime Minister, they seemed to understand.

I mentioned that there were some firsts achieved during this visit. It was the first invitation of its kind to Caribbean parliamentarians, the first attendance at a Canadian regional meeting of Caribbean parliamentarians, and it was the first time that an unofficial group such as this from the Caribbean had had the opportunity of confrontation with Canadian ministers. I must say that those confrontations were open to parliamentarians but not to the press, for the very obvious reason that on both sides there was a wish to have a free and frank discussion—and that certainly took place.

From talking to the Caribbean parliamentarians I think I can safely say that they were very satisfied and highly delighted with the frankness shown by the ministers and Mr. Strong.

The thesis I have suggested is that something more than all of this is long overdue in Canada-Caribbean relations. I should like to emphasize that, unless you have been down there recently, it is a little difficult to understand their terrific drive towards nationhood, which is impelling the activities and actions of these young nations. Of course, not all of them are emerging nations. Jamaica, Trinidad and Tobago, and Guyana are sovereign nations, and Barbados is also recently a sovereign nation. In addition, there are the so-called Little Seven, a string of islands in the Eastern Caribbean, five of which are associate states with the United Kingdom. There are other places in the Commonwealth Caribbean which are officially described as dependencies of the United Kingdom—British Honduras, the Cayman, Turks, and Caicos Islands, the British Virgins, and the Bahamas.

I should say that the way has been well paved in the last few years for the kind of political initiative that I am going to suggest. It has been paved not merely by good intentions—although there have been many of those on both sides—but by definite action, for which, at the risk of flattering him unduly, I must say some credit must be given to the honourable Leader of the Government (Hon. Mr. Martin). I would specifically mention the Canada-Caribbean Conference that was held here in Ottawa in 1966, attended by the heads of government of the Caribbean and Canada, and in which Senator Martin was a prime mover. It was on Senator Martin's initiative particularly over the last few years that Canadian aid to the Caribbean has risen from a very modest start in 1958 of $10 million spread over five years, to its present comparatively high level of $22 million. It is fair to say that Senator Martin was a strong advocate of this, and, in his position of authority, a prime mover in bringing it about. Today the per capita Canadian aid to the Caribbean is higher than that to other areas.

It was under the direction of Senator Martin also that further conferences, following the 1966 conference, took place. There was a trade conference in St. Lucia, and others.

I mention these in order to indicate that there is a strong base upon which to build something bigger and better in our relationships. It may be asked why Canada should take any special initiative in the Caribbean. Perhaps I can suggest a few reasons.

The first is, and I think honourable senators will agree, that every document, every book, every study, and every speech written or made about the Caribbean by Canadians speaks of our historic ties, our special relationships, and our neighbourliness with these

islands of the Caribbean. But it seems to me that when we come down to assistance, we treat every specific suggestion in exactly the same way as we would treat a suggestion vis-à-vis any other part of the world. I suggest that we do have a special relationship, and if we really regard these young nations and these islands of the Caribbean as our neighbours, then the attitude we should be taking to them is that of a neighbour.

When a neighbour asks you to mind his dog you may very well say to yourself: Well, the dog is going to damage some of the nice flowers in my garden; it may bark and keep me awake at night, it may cause me various problems, but my neighbour has asked me, so I shall look after his dog. But, if somebody from away down the street whom you do not know asks you to mind his dog, then quite properly, your attitude is different.

With respect to this special obligation which I submit Canada has to the Caribbean, I can do no better than quote from the objective study that I mentioned earlier, a study of the Private Planning Association of Canada. I read from page 13:

> It can be argued, however, that Canada, as one of the rich nations of the world, has an important role to play in assisting developing regions such as the West Indies. It will be shown that Canada has more trading and investment interests in the Caribbean than in any other part of the underdeveloped world. And it can be further argued that because of the relatively small size of the West Indies, Canada may appropriately focus on their development problems, since these may be more manageable than those of other countries. In other words, the main basis for future Canadian-West Indian relations must be seen to lie in the economic arrangements that might be employed by a developed nation to further the process of growth in less developed countries.

The emphasis there, of course, is on the smallness of this area as compared to the size of Canada, its neighbour. To my way of thinking, this, more than anything else, is the justification for some very special and bold political initiative at the moment.

I have mentioned that many of these nations are on the verge of independence. It seems to me there is an opportunity of Canada associating itself in a very important way with these nations. We may have various ideas as to what that association should be. I can perhaps do no better in that matter than to quote from a paper presented by Premier Robert Bradshaw of St. Kitts at the conference here which I spoke of a moment ago. He asked the question:

> Of what possible use could Caribbean Commonwealth friendship be to Canada in political terms? I myself answer this question by referring to the fact that, so far, Caribbean Commonwealth countries have four votes in the United Nations where Canada has been one of the foremost and genuine standard bearers of peace among nations. Those four votes could be of use to Canada in her crusade of peace. What is more: those four votes could very easily become nine were the British Government to adopt the dark suggestion of a conservative member, recently in the Commons House at Westminster, to end the association with the Associated States of the West Indies, of which there are five, in which case those States would most likely each become Sovereign.

He went on to say:

> To the extent, therefore, that Canada might in her growing power and greatness, wish to create a little sphere of influence of her own, it seems that the Commonwealth Caribbean was the most likely and fruitful area to try to cultivate; and why not?

I interject here that in talking this over with my friend and mentor, the honourable Senator O'Leary (Carleton), he reminded me that Premier Shearer of Jamaica had warned against the use of the word "influence," because perhaps it has sinister connotations from the past. It might be better to use the word "interest." The Premier continues:

> Don't they all speak English, do their parliaments not spring from the same source although some of the islands, at least, had legislatures before Canada, and don't their political ideas run so closely together as to generate the suggestion that the West Indies should have become provinces of Canada?
>
> Caribbean-Canada political relationships are developing along parallel, if not intersecting lines of mutual respect, and the time may well have come for them to be formalized into a treaty bearing in mind that Canada has not yet joined the O.A.S.

A third, and I think a very important reason, is the threat of communism. I hope no one will suggest, at least no one who is unaware of the facts, that this is an exaggeration. It is a fear which is foremost in the best minds of those islands. They are close to Cuba and they are close to Guyana, which is at the moment perhaps at a crossroads between communism and democracy. We all know what the fertile ground of communism is—poverty, national frustrations and the impact of the widening gap between the developed and developing nations. I suggest, honourable senators, that Canada should not stand by and let this happen. It can happen but, much more important, it can be prevented and now is the time for us to make sure it is prevented.

You will remember the American initiative in relation to Cuba. We may not all agree with what happened there, but this is a very different situation. Here is an opportunity for peaceful intervention, peaceful assistance, peaceful initiative, to prevent the same thing happening in some of these islands and some of these mainland territories, that has happened in Cuba.

Another reason is that we can afford well this kind of neighbourliness. In a general way I have directed my remarks to the whole of the Commonwealth Caribbean, but my particular concern is the smaller economically undeveloped areas, because I think it can be properly said that independent nations, by and large have reached the economic take-off point—Jamaica, Trinidad and Tobago and Guyana and, in spite of some very serious problems, Barbados. The total population that I am talking about, and what can constitute in the not-too-distant future ten nations, is about half a million people. Perhaps if we take in the mainland dependencies we might add another 120,000. The total budget expenditures of all of them put together is about $80 million to $90 million. Those are West Indies dollars, if my arithmetic is correct. Surely this suggests what a tremendous opportunity is there, and surely it suggests that we can afford to do something more in this area than we are doing and certainly much more comparatively than we are doing in the rest of the world.

Finally, I would say that another important reason is the will of Canadians generally for greater participation of Canada in the future of these islands. Canadians go down there in large numbers for business and pleasure. My own experience is that whenever I talk to a Canadian who has been there he seems a little mystified about this lack of Canadian initiative. I am not being critical of anyone in the past, because anyone who has studied the history of this whole matter is aware that there are very good reasons why we may not have been able to move politically earlier than today. I refer to the negotiations, the long negotiations, leading up to the formation of the West Indies Federation which fortunately did not prove viable. When it broke up there was another long period of uncertainty when there was a suggestion that another federation might be formed of some of the other territories. That has not come about.

Hon. Paul Martin: Honourable senators, perhaps my honourable friend will permit me to ask a question arising out of what I think is a very constructive and important speech.

The honourable senator speaks of the time having arrived when there might be a Canadian political initiative. I would be very grateful if he would expand on the desire on the part of the group of seven or eight for such an initiative.

Hon. Mr. Grosart: I thank the honourable Leader of the Government for his remarks. This is perhaps the most important question that can be asked about this situation. I find myself a little embarrassed because, as I have said, I spent a good deal of time recently with some who are heads of government in the Caribbean. I quoted Premier Bradshaw, for example. I do not want to put those whom I was associated with recently in the position of having endorsed this, having approved or suggested it. I think no one is better qualified than the honourable Leader of the Government to appreciate my position in that respect.

If I may go back over a period of time, over other meetings that I have had in the Caribbean, I would say my answer would be "Yes, an approach from Canada would be welcomed."

My personal belief is that there would be a response to a specific suggestion, and perhaps I could make it now. This specific suggestion is that, in consultation with the United Kingdom, in consultation with our friends in the Commonwealth Caribbean, we ask them if they would like to become associated in status with Canada rather than with the United Kingdom. In doing this, I make no reflection whatsoever on the association they have had with the United Kingdom. I perhaps need go no further than that. All honourable senators know the historic reasons for it.

Perhaps the major difficulty that the U.K. faces in this matter is—and I will be frank—that no matter what the U.K. does, the suggestion will always be made that it is merely giving back some small part of what it took out of those islands. That may be true, but it just does not make the association easier from the point of view of the U.K., and certainly not from the point of view of the beneficiaries in the Caribbean.

The U.K. accepts the responsibilities, as the Leader of the Government well knows, for balancing the budget of certain of those countries. Some are balancing their budgets and some are not. The U.K. gives grants, as Canada does, but it also gives special grants, based on the practice in earlier "colonial" days, if I may call them so. Britain is accepting the responsibility of carrying on many of those grants.

If some of those emergent nations were to turn to Canada, it is my own belief that this would not be regarded as an affront by the authorities in the United Kingdom. In fact, I think the U.K. would welcome it. I may say also that, whatever this involves, it does not involve anything like some earlier suggestions. I remember thirty years ago hearing a suggestion made by Lord Wellington, when he was Governor General, that the Caribbean Islands should become a province of Canada. There were many impracticabilities in any such suggestion, but associate status, associate statehood, has very few. To be specific, the immigration problem, in view of our own desire to protect our employment situation, does not arise; certainly it does not arise in the arrangements for their associate statehood with the United Kingdom.

It would not immediately involve the problem of extending old age pensions, family allowances and unemployment insurance, because those would not be immediately inherent in the concept of an associate state.

It is not really for me to try to spell this out. I am merely saying, in answer to the question put by the Leader of the Government, that I believe that this is the kind of political initiative that can be taken by Canada. I do not think it is the kind of initiative that you can take on the front pages of the newspapers but it is an initiative that could be and should be explored.

I have no doubt that the Leader of the Government is presently thinking: Does he know whether it has been explored or not? I plead informed ignorance on that point.

In that connection, naturally, I should say that if the offer of associate statehood were to be made, the immediate response would be: "What is the *quid pro quo*; what do you offer?" My suggestion would be that we offer a massive infusion of aid. As I have said, the present amount is $22 million, the highest per capita of any of our aid programs, but it is still a very small proportion of our total aid—$22 million out of $350 million. I am not suggesting that we should withdraw aid from any other area. Eighty per cent of its goes to India and Pakistan at the moment. But the Leader of the Government, in his former capacity, was the person who announced that it was Canadian policy to reach a target of one per cent of the gross national product, market value, as our total aid in the 1970s. This leaves much scope for far more than all the money that would be required for the existing development plans of the Caribbean, without cutting a single cent of aid to any other country. In fact, a massive infusion of Canadian aid could be made without adding a cent to the present projected increase in our aid and actually without cutting back on any other country.

What is the amount required? I have seen the figure of 10 per cent cited as the present percentage of the total development aid needed in the Commonwealth Caribbean supplied by the present Canadian contribution. It might be 15 per cent. Again, may I quote the Private Planning book, which says quite clearly that our present volume of total aid in the Caribbean is not adequate. On page 107, it says:

> Thus the current rate of Canadian aid to the region, although far more generous than it was in the past, is hardly commensurate with Canada's political and economic relationship with the West Indies as reflected in her share of West Indian commodity trade and in the extent of Canadian private investments.

The latter figure is, I believe, about $500 million.

Canadians are the bankers of these islands. We are rapidly becoming the main tourist operators in those islands. These are new developments, new reasons why Canada should have a new kind of interest in its own future policy with regard to the islands.

When one mentions aid, there are always those who say: "One cannot keep handing it out forever." I am not suggesting that we do so. Again, as the Leader of the Government well knows, the whole philosophy of our aid

is to help those nations to reach that take-off point, which some of them have reached. We have the great lesson of the Marshall Plan which brought stricken countries back to the take-off point where they generated their own economic steam. Indeed, one of our provinces the other day borrowed $40 million from West Germany. This has happened already in the present external aid programs of the developing countries. For a while during the last decade, Jamaica, Trinidad and Tobago had rates of productivity growth that were among the highest in the world. It has slackened off now but they did reach that take-off point largely through the infusion of aid. One needs to mention only Puerto Rico to indicate what this kind of political initiative can do for a country in this area.

There are a few other specifics. I think we should untie our aid to the Caribbean. Honourable senators will be familiar with that term. Tied aid means, in effect, that we do not transfer money; we transfer resources, manpower, material and other forms of assistance. It has many disadvantages to the recipients which I will not go into at the moment. Perhaps one of the best statements that exist on that whole matter, if honourable senators care to read it, is that of the Leader of the Government in the "Blaustein Lectures at Columbia" about two years ago, where he acknowledged the desirability of untying aid and also explained very well the reasons why heretofore we have not untied aid.

I think it can be argued that the time has not yet come when Canada can untie its aid to all countries, but, again having in mind a special relationship to our neighbours in the Caribbean, I suggest that we could and should untie our aid there, still keeping it, of course, under certain necessary controls. I think it is part of the *quid pro quo* that we should offer some unilateral—not reciprocal—trade concessions. I will not go into the details, because others are much better informed than I am on that subject. But I believe that one of the important results of a relationship of associate statehood would be a much greater possibility of doing this effectively, having in mind our other obligations under GATT.

It is suggested that we take over certain of the U.K. grants—not the multilateral grants or bilateral grants in aid, but the specific budget balancing payments made by the U.K. at the present time.

Finally, if I interpret my experience correctly, one of the things they are most interested in would be the establishment of a marketing agency in Canada. It is very hard for us to realize the lack of staff, the lack of professional skills, the lack of know-how that exists in a country of merely 100,000 people, where the premier has to look at the national budget before he decides to take a trip to Ottawa or to London. One can then understand the problems that they have in trying to mount any kind of a marketing campaign in Canada.

I have some familiarity with the tremendous costs that can be associated with the introduction of a new product. It is completely beyond the financial capabilities of these islands—the smaller islands—either individually or collectively, to tackle this problem. They would welcome any suggestion from the Canadian Government that it is prepared to help in this and in many other matters in which they desperately need help.

Honourable senators, I thank you for your attention and for the time you have given me. I hope that I may have offered a suggestion that in the short run and in the long run will redound to the credit of our Caribbean friends and Canada.

Hon. Walter M. Aseltine: Honourable senators, I had no intention until a short time ago of taking part in this debate, but, after listening to the fine speech delivered by the honourable Senator Paterson, I think it is my duty to bring to the attention of the Senate a very serious situation that has developed in the Prairie Provinces with respect to the marketing and storage of the 1968 crop of wheat.

Before saying anything on that subject, however, I wish to join with other honourable senators who have so eloquently praised our former Speaker, our new Speaker, our former Leader of the Government in the Senate, our distinguished new Leader, our Leader on this side of the house, the mover and seconder of the address and all who have spoken in that regard.

Honourable senators will probably remember that in the year 1966 the Prairie Provinces had the largest wheat crop ever produced: 900 million bushels. There was no market for such a large crop, with the result that when the elevators at the head of the lakes, on the Pacific coast, at Churchill and in other parts of Canada were filled, the farmers had to store the balance on their farms. To help them do so the Government of the day changed the income tax regulations to provide for accelerated depreciation in cases where farmers were obliged to build new storage bins and granaries on their farms in

order to store the surplus of the grain they could not deliver.

Those provisions provided for a depreciation of some 30 per cent a year until the whole of the value of the new storage facilities had been wiped out. That was of great assistance to the farmers, for they were able to store their grain safely and in a very dry condition. But that legislation has expired.

In 1967 we had another heavy wheat crop—500 million or more bushels. But the markets for that grain and for the 1966 surplus that was carried over on the farms and in the elevators was such that a great portion of the 1967 crop had also to be stored on the farm.

Well, we now have in Saskatchewan, Manitoba and Alberta another fine crop. Last spring those provinces sowed approximately 29 million acres of land to wheat, and there is presently being harvested, admittedly very slowly because of the inclement weather, about 540 million bushels.

Most farmers have 1966 wheat on hand; most farmers have also 1967 wheat on hand; and they will have to store most of this year's crop, if they are going to keep it safely. As the quota last year for the 1967 crop was only six bushels per specified acre, if a farmer had a crop of 20 bushels to the acre, a great deal of that grain had to remain on the farm because it could not be marketed.

The situation in the Prairie Provinces at the present moment is very serious. When I came down to Ottawa on the train I was surprised to see that the greater part of the crops in Manitoba were floating around in the water. It had rained there from the middle of July until the 11th or 12th of September, and it has rained many times since, with the result that a great deal of the grain is still standing or in swath ready to be combined when conditions dry up. This situation applies to a lesser degree in Saskatchewan and Alberta. For instance, I have grain on the ground that has been swathed since about September 20. The inclement weather has prevented it being threshed. It has rained on and off ever since September 20. Today, however, I received good news; the weather has improved and we will probably be able to save most of that wheat, but it will not be No. 1 wheat.

Hon. Mr. Martin: The honourable senator said September 20. Does he mean August 20, that the crop was swathed?

Hon. Mr. Aseltine: I meant the latter part of August and September. I am glad to be corrected in that respect. Where I mentioned September 20, I should have said August.

Some honourable senators may not know that if wheat is dry when it is threshed and is put in a dry place it will keep almost indefinitely. I am told that grain taken out of the tomb of King Tut in Egypt after 2,000 years was sown in a field and it germinated and produced a crop. Now, I doubt that very much, but it illustrates the fact that if grain is dry when it is threshed and is kept in a dry place it will keep almost indefinitely. And if we have a good place to store this grain that we are about to thresh now and keep it dry, eventually we will be able to sell it. However, as Senator Paterson said, the grade is low. During 1966 and 1967, we grew nothing but No. 1 wheat in my part of Saskatchewan, but this year most of the grain will grade 3, 4 or lower.

I notice by the Saskatoon *Daily Star* recently that 1968 wheat is weighing only from 44 to 59 pounds to the bushel, whereas No. 1 wheat sometimes weighs as high as 64 or 65 pounds to the bushel. That is the present situation, and it is a very serious one indeed.

Most farmers have been able to store perhaps two crops on their own land. They have built storage over the years and they are more or less prepared for a situation of this kind, but not for what has happened in 1968. They are unable to store this grain. It just would not do to mix it with a No. 1 grain because farmers who store this year's grain with last year's crop run the risk of ruining both.

I have here a statement, by Dr. R. N. Sinha, an insect ecologist with the Canada Department of Agriculture's Research Station, who says that this year's crop is heavily infested with field mold. This will stimulate reproduction of rusty grain, beatles and grain mites. He also says there is a very real danger of widespread heating and outbreaks of insects and mites.

Some years ago when we had a crop something like this and there was a danger of heating we had to go to the bin every three or four days and put a rod down to see if it was heating; if the rod was hot when we took it out, we had to take the grain out of the bin, turn it over and put it back in again in order to cure it properly.

Now many farmers are asking the Government to pay storage for grain kept on the farm by the farmer. Others are asking for new legislation similar to what we had in 1966, whereby a farmer can build a granary

of a permanent nature. I say permanent as opposed to temporary, because a temporary bin would be no good at all. If he put the grain into a temporary granary, before he could take it out again and get it into the elevators it would be spoiled. Therefore, permanent granaries should be built, and the farmers that I have been speaking to want legislation to the effect that they can depreciate the cost of these new granaries at a greater rate than five or 10 per cent, as they are presently allowed under the Income Tax Act. They want to be able to depreciate them fully within two or three years. This is known as accelerated depreciation.

I bring these matters to the attention of honourable senators and to the attention of the Government in the hope that some legislation of this kind will be passed in order to take care of this serious situation.

Hon. John M. Macdonald: Honourable senators, it is not my intention to speak at any length this afternoon, but there are one or two matters which have not been dealt with so far that I would like to bring to your attention.

May I at the outset, Mr. Speaker, extend to you my congratulations on your appointment? I am sure that by now you feel that these congratulations are perhaps just a formality, but I can assure you that all of us who have offered them have offered them most sincerely. We are sure that you, in the high office you now hold, will live up to the high traditions established by your illustrious predecessors. In my view the Speakers of this house have rendered great service to the Senate, and I might add that not the least of these was your immediate predecessor.

It is not my intention to extend congratulations to all, but I would like to say that both the Leader of the Government (Hon. Mr. Martin) and the Leader of the Opposition (Hon. Mr. Flynn) are entitled to our congratulations. I remember that when I first came here Senator Aseltine was Government Leader, and I have always been grateful to him for his great kindness, consideration and courtesy to me. I might also say that I have always had the most pleasant relations with the leaders of both sides of this house. I also want to mention particularly Senator Arthur Beaubien, the Liberal Whip, who is a gentleman in the real sense of the word and one who is always most considerate and courteous to all of us. I am pleased that he has such an able assistant and I am sure that he too will render valuable service in this chamber. In fact, I believe that it is because of the work of these two men, especially, that the business of the Senate has gone so smoothly over the years.

Honourable senators, I want now to say a word about the Veterans' Land Act. As you all know, this legislation was first enacted in 1942, and it was passed in order to assist veterans to obtain land for various purposes, and almost all veteran are eligible under this act for various loans.

The booklet issued by the Minister of Veterans Affairs mentions this:

> Under Parts I and III of the Act, qualified veterans may obtain financial assistance (repayable loans) to settle on the land as:
>
> 1. Full-time farmers or
> 2. Part-time farmers (small holders); or
> 3. Commercial fishermen.
>
> Part I also provides for non-repayable conditional grants to assist qualified veterans to settle on Crown lands and to Indian veterans to settle on Indian Reserves.

When the act was passed in 1942 there was no time limit, for example, as to when a veteran could apply. The act has been amended from time to time, but I am only interested in the amendments which have set a time limit, because back in 1959 the amending statute stated:

> No veteran is eligible to participate in the benefits of this Part who is not certified by the Director to be qualified to participate in the benefits of this Act within a period of fifteen years after the 30th day of September, 1947, or the date of his discharge, whichever is the later.

That would bring it up to 1962, when veterans could qualify for loans under this act.

In 1962 the act was further amended, to this effect:

> No veteran is eligible to participate in the benefits of this Part who is not certified by the Director to be qualified to participate in the benefits of this Act on or before the 31st day of October, 1968.

So, if no further amendment is made at the end of this month, a person is no longer eligible.

I should say here that a person must get a certificate that he is qualified. In other words, the director of the Veterans' Land Act will

issue a certificate, when applied for by a veteran, to say that he is qualified for a loan under Part I of the act, and it is that participation part which is terminating at the end of this month. This does not mean to say that the whole operation is to cease then. So long as a veteran obtains a certificate of qualification, then he has until 1974 to obtain his actual loan.

This act has been very beneficial; it has been of great assistance to veterans. I should also say here that it has been well administered. Those in charge of it have shown sympathetic consideration of the veteran. I think everyone who has had anything to do with it will agree with that statement, because not only do they carry out the mechanical side of the operation, as it were, but they are always willing to give advice and assistance in any way they can to the veteran.

I would like to quote briefly from the Annual Report of the Department of Veterans Affairs for 1967-1968. At page 42 it states:

> The total of loans approved for 9,900 veterans during 1967-68 was 22 per cent greater than in the previous year, representing an investment of public funds of more than $102 million. Since the inception of operations under the act, the total amount of financial assistance approved for the settlement of veterans exceeds $890 million. At March 31, 1968, there were over 55,200 active accounts under administration, approximately 2,800 more than on the same date last year.

And this is why:

> Many more veterans than expected made application for qualification in advance of the October 31, 1968, deadline. Close to 40,000 were qualified, or 250 per cent more than in 1966-67.
>
> Reflecting the substantial increase in qualification certificates issued during the year, the number of veterans qualified but not yet settled rose to more than 70,000 at March 31, 1968. It is expected the total will approximate 100,000 by the October 31, 1968, deadline.

Honourable senators, to me these figures prove conclusively that this act should again be amended, so as to extend the deadline until which time veterans can apply for qualification.

I do not know the figures as of now, but I anticipate they are over the 100,000 mark, because as it is becoming more generally known that the deadline is October 31 of this year, more and more veterans are applying for qualification. I do know this, that so many more have applied not only for qualification but for loans under the act, that the amount of money voted by Parliament has run out, and many applications cannot be processed until more money is made available.

So, honourable senators, I believe the need is still there and, since it is, that the act should be further extended. I might say that at its annual convention last summer the Canadian Legion passed a resolution asking for such an extension, and I see no reason why it should not be granted.

As I said before, the operation is not to cease. The only thing that will happen will be that after the deadline the director will not be able to issue certificates of qualification to veterans. Actually, I think it would be a simple matter to amend the bill to extend the deadline. There is to come before Parliament an amendment to the Veterans' Land Act, there being a resolution on the Order Paper in the House of Commons to that effect. That amendment has to do only with interest rates, and it would be a simple matter to make the other amendment at the same time. I ask the Leader of the Government to bring this to the attention of his colleagues in the other place, so that the deadline can be extended, say, until 1974.

Hon. Mr. Martin: I will do that.

Hon. Mr. Macdonald: While I am talking about veterans, I would like to say a word about the War Veterans Allowance Act. This too has been of great benefit to veterans over the years. The report from which I have already quoted has this to say:

> The purpose of the War Veterans Allowance Act is to provide allowances for those otherwise qualified veterans who, because of age or infirmity, are no longer able to make their way in the employment field. It also provides allowances to their widows and orphans. Originally passed in 1930, the act is now in its 38th year of operation.

They go on to talk of the great benefits which the War Veterans Allowance Act has brought to veterans, but my belief is that there are certain restrictions placed on those who can qualify under this act and I should like to see those restrictions removed so that any veteran is eligible for assistance under the act. A person who has served in a theatre of war has served outside of Canada. I cannot

understand why a member of the Canadian Army, for example, who served in Canada only because he was not sent anywhere else, should be ineligible for assistance under this act.

Honourable senators, it is important that as time goes on we recall to our minds the sacrifices made by those men and women who served in the Armed Forces during the various wars in which we were engaged, because I think that as younger people grow up they might tend to forget that these people deserve special consideration. I am asking that that special consideration be given to them.

Honourable senators, I thank you for your kind attention.

Motion agreed to and the address in reply to the Speech from the Throne adopted.

Hon. Paul Martin: Honourable senators, as this is the first time I have participated in and listened to a full debate on the motion for an address in reply to the Speech from the Throne in this house, I take the liberty of saying that I have been greatly impressed by the quality of both the discussion and the presentation.

I am very grateful to all honourable senators for their co-operation in having this debate completed in only eight debating days.

Hon. Mr. Flynn: It has been completed in seven debating days.

Hon. Mr. Martin: Yes, but eight debating days were made available, although only seven have been taken up. However, that is two more days than were required in the other place.

I am grateful to the honourable Leader of the Opposition and to honourable senators generally for agreeing to this arrangement, which I hope will make our proceedings more orderly and yet not deny us the opportunity of taking advantage of the indefinite arrangement that has prevailed in other years.

Honourable senators, I move, seconded by Senator McDonald, that the Address be engrossed and presented to His Excellency the Governor General by the honourable the Speaker.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, this is a convenient point at which to adjourn so that we may resume the sitting this evening, when we shall have at least one bill to deal with. I hope that we can go on with two bills, but that will depend upon the availability of one of the sponsors, and possibly one of the inquiries.

I suggest that we rise now to reassemble at 8 o'clock this evening.

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

CANADA EVIDENCE ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-3, intituled: "An Act to amend the Canada Evidence Act".—(Honourable Senator Martin, P.C.)

Hon. Paul Martin: Honourable senators, I suggest that this bill stand until Tuesday next. May I say that the Minister of Justice would like this bill to stand for a few days so that the legal profession and others in the country might have an opportunity of learning of its general provisions and to ascertain whether, as a result, there would be any further elaborations that we would like to make.

Order stands.

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-8, intituled: "An Act to amend the Supreme Court Act"—(Honourable Senator Martin, P.C.)

Hon. Paul Martin: Honourable senators, it was intended that Senator Phillips (Rigaud) would explain this bill on second reading this evening. He is away from the Senate today because of the festival of his people. Consequently, I agreed that the order would stand until Thursday next.

Hon. Senators: Agreed.

Order stands.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 1 to 48 inclusive, which were presented on September 25.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 1, for the relief of Estelle Packer Richler.

Resolution 2, for the relief of Kenneth Alan Morton.

Resolution 3, for the relief of Paul Joseph Ernest Taillebois.

Resolution 4, for the relief of Keitha Louise Dion McLean.

Resolution 5, for the relief of Clemente Marcotte Cormier.

Resolution 6, for the relief of Adele Bergeron Wilkinson.

Resolution 7, for the relief of Jeannine Lacasse Lipari.

Resolution 8, for the relief of Luigi Roberto (Robert) Liberale.

Resolution 9, for the relief of Christopher Robert MacClure.

Resolution 10, for the relief of Andrea Buchanan Baldwin Johnstone.

Resolution 11, for the relief of Paolo Bengivengo, otherwise known as Paolo Bencivengo.

Resolution 12, for the relief of Sylvia Elizabeth Dyke Quinton.

Resolution 13, for the relief of Elizabeth May Kennedy Joseph.

Resolution 14, for the relief of Paul Emile Bisaillon.

Resolution 15, for the relief of Marie Gervaise Diane Gagnon Gaudet.

Resolution 16, for the relief of Roch Veillet.

Resolution 17, for the relief of Toby Sheps (Shaps) Wolinsky.

Resolution 18, for the relief of Chuck Pon Mah.

Resolution 19, for the relief of Rosalie Woolf Held.

Resolution 20, for the relief of Ronald Albert Lewis.

Resolution 21, for the relief of Dorothy Delores Lynn Tucker.

Resolution 22, for the relief of Marion Theresa Coyle Dubuc.

Resolution 23, for the relief of Yvon Desrochers.

Resolution 24, for the relief of Dimitrios Iordanidis.

Resolution 25, for the relief of Joseph Alfred Bosse.

Resolution 26, for the relief of Beverley Leona Gordon Timsit.

Resolution 27, for the relief of Orlando Di Pompeo.

Resolution 28, for the relief of Yvon Revary.

Resolution 29, for the relief of Nicole Ducharme Cadieux.

Resolution 30, for the relief of Friedrich Otto Leicht.

Resolution 31, for the relief of Pamela Alicia Mason Birks.

Resolution 32, for the relief of Elizabeth Ann Montgomery Richard.

Resolution 33, for the relief of Jean Joseph Xavier Gervais.

Resolution 34, for the relief of Winnifred Elizabeth Reid Duff Warr.

Resolution 35, for the relief of Dolly Renee Bringard Leroux.

Resolution 36, for the relief of Therese Hade Robert.

Resolution 37, for the relief of Blanche Irene Hill Testart.

Resolution 38, for the relief of Gilles Dumoulin.

Resolution 39, for the relief of Andrea Irene Stuart Goodchild.

Resolution 40, for the relief of Betty Ann Badcock Sutherland.

Resolution 41, for the relief of Hector Gosse.

Resolution 42, for the relief of Beatrice Ann Powers MacCallum.

Resolution 43, for the relief of June Wright Rashcovsky, otherwise known as June Wright Ross.

Resolution 44, for the relief of Brian Ryan Foran.

Resolution 45, for the relief of Maurice Caplan.

Resolution 46, for the relief of Lewis Thomas Agombar.

Resolution 47, for the relief of Samuel Herscovitch.

Resolution 48, for the relief of Robert Norman DeVeau.

Resolutions adopted.

PRIVATE BILL

BRITISH NORTHWESTERN INSURANCE COMPANY—SECOND READING

Hon. Hartland de M. Molson moved the second reading of Bill S-9, respecting British Northwestern Insurance Company.

He said: Honourable senators, I find myself once more in a faintly embarrassing position in moving second reading of this bill. It is embarrassing in that I find that I am doing something tonight which I have done only too often in this chamber, namely, asking you to listen to the explanation of a bill which you have previously heard.

If any proof is needed that reform of the practices in the other place is necessary, we have it in the fact that we in this chamber have so often had to repeat the full procedure in dealing with a bill; that is, through the three reading stages, the examination in detail in our committee and, of course, all the ancillary effort required of our staff, *Hansard* reporters, the Queen's Printer, and others.

In dealing with Bill S-9, I refer honourable senators to page 175 of *Hansard* of June 13, 1967, when I explained it at some length. On this occasion I will be brief; however, I trust that I will give you all the information which you will require.

The petitioning company is asking for power to do two things: first, to change its name, and, second, to increase its capital.

The British Northwestern Insurance Company is a company which is owned by the Eagle Star group of insurance companies of England; very well known, of high reputation, and very large. The parent company, The Eagle Star Insurance Company of London, England, is presently licensed to carry on the business of general reinsurance in Canada. It now wishes to consolidate the Canadian operations, which have been divided in the past years, between itself and three other companies. British Northwestern has already taken over the operations of two of the other companies, the British Crown Assurance Corporation Limited, and the Security National Insurance Company. The portfolios of both of these companies have been absorbed into the company we are considering, British Northwestern Insurance Company. All these companies have been engaged in general insurance, and the process which has been taking place is merely that of consolidating or tidying up the operations in Canada.

Naturally, the parent company would like to have, for the company in which its Canadian operations are now consolidated, a name which is known all over the world, and which bears a relationship to the parent company. For this purpose, this bill now requests authority to change the name of the British Northwestern Insurance Company to that of the Eagle Star Insurance Company of Canada with, of course, the French version of the name Eagle Star Compagnie d'Assurance du Canada.

As its operations will now be considerably greater because of the fact that it has absorbed the portfolio of the other companies mentioned. There is also the second purpose of the bill, under clause 4, which requests that the capital stock of the company be increased. It will now be $5 million divided into 125,000 shares of $40 each.

If it is your pleasure, honourable senators, to give second reading to this bill now, I would propose to refer it then to the Standing Committee on Banking and Commerce.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Honourable Mr. Molson, bill referred to the Standing Committee on Banking and Commerce.

NORTH ATLANTIC ASSEMBLY

COMMITTEE MEETINGS AT BRUSSELS—DEBATE ADJOURNED

Pursuant to Order earlier this day—

On the inquiry of Honourable Mr. Lang:

> That he will call the attention of the Senate to the Standing and Preparatory Committee Meetings of the North Atlantic Assembly, held at Brussels, Belgium, 20th May to 24th May, 1968, and in particular to the discussions and proceedings of the Meetings and the participation therein of the delegation from Canada.

Hon. Daniel A. Lang: Honourable senators, I would like to report that, with my colleague the honourable Senator Willis, I attended at meetings of the Standing and Preparatory Committee of the North Atlantic Assembly in Brussels from May 20 to May 24. As honourable senators are aware, the North Atlantic Assembly is the renamed NATO Parliamentary Association and carries on the same functions as heretofore.

This evening I would like to report to you something of the nature and extent of the deliberations carried on in Brussels, and particularly of the coloration lent to those deliberations by the shocking events which have transpired in Europe since that time.

Underlying the discussions at the meetings of last May was a very present realization that the 20th anniversary of the signing of the North Atlantic Treaty was rapidly approaching. In fact, as honourable senators know, the treaty was signed on April 4, 1949, and was ratified August 24 of that year. This 20th anniversary is of rather considerable significance because of the possible implications of Article 13 of the treaty. Under that article it is provided that, after the treaty has been in force for 20 years, any party may cease to be a party after giving notice of its denunciation of the treaty and within one year after such notice. In other words, after August of next year, any one of the countries who are parties to that treaty may give one year's notice of its intention to withdraw from the alliance.

I think because of the provisions of that article honourable senators will realize the significance of some of the events, discussions and speculations that are going on at the present time. It should be very clearly understood, however, that the treaty at its inception was, as it still is, intended to be a treaty of unlimited duration. But nevertheless the right of withdrawal after the 20-year period is provided for and this, of necessity, has given rise to thoughts of reappraisal by the parties to that treaty, particularly in the light of the experience of the world through the past 20 years.

It was on March 5, 1945, in a speech at Fulton, Missouri, that Sir Winston Churchill first raised the alarm of the Western world. His famous "iron curtain" speech shocked the Western world from its post-war lethargy into a first realization of the terrors of the rising tide of Russian imperialism.

Following this, the alliance, under the North Atlantic Treaty, came into being for the purposes as set out in its preamble, namely, to safeguard the freedom, common heritage, and civilization of all their peoples founded on the principles of democracy, individual liberty and the rule of law.

Honourable senators, this objective was achieved by NATO and through its military organization. The potential Soviet aggressor has been deterred for 20 years. By achieving and maintaining a balance of forces between East and West, peace for that period has been secured. If once a first shot had been exchanged between these balancing powers, NATO would have failed. But, honourable senators, no shot has been fired, and, without qualification, I should say that the alliance is the outstanding political-military success of the post-war years.

Some Hon. Senators: Hear, hear.

Hon. Mr. Lang: Now, once again, memories are growing dim, and Munich, the pact which was signed 30 years ago yesterday, is only a vague lesson in history. Like the circumstances after the last war that gave rise to NATO, Munich is a mere unexperienced piece of history to the millions of the post-war generation. This younger generation never having known war, and fed by the propaganda of the communist organization throughout the world and indeed encouraged by the so-called leftist intellectual thought, picture NATO as an anachronistic, aggressive, militaristic organization standing in the way of ultimate peaceful solutions. These thought forms query the cost of NATO to its members, and the moneys spent on NATO are recited as moneys spent as an alternative to aid to underveloped countries of the world. Canada's role in NATO is classified as subservient, an obsession, irrelevant and precluding the development of purely Canadian foreign policy initiatives. I think offtimes if we scratch beneath the surface of some of these criticisms we will find that they overlay with a thin veneer a latent anti-Americanism. I think that offtimes at best they represent a utopian view of what may be accomplished by a purely nationalistic idealism, an altruism freed from the trammels of international security commitments and military expenditures.

This crescendo of propaganda and criticism that has been arising over the role of the alliance has both mindfully and unmindfully been working towards creating a climate under which denunciation of the treaty might be brought about by some of its members in 1969 under Article XIII.

Honourable senators, again as you are aware, in March 1966 de Gaulle decided to withdraw France from NATO's integrated military activities and requested the removal from French soil of allied forces bases and military installations. Thus in furtherance of the glory of France did de Gaulle escalate the effect of NATO's detractors. Narrow, backward-looking competitive nationalism again raises its head in Europe and could as so

often it has in the past prove to be the curse and scourage of that continent and the world.

As NATO stands in the way of Soviet strategy to divide the West and play off one faction against the other, so also does NATO stand in the way of de Gaulle's ambitions to dominate a European power bloc which would exclude Great Britain, the United States and, incidentally, Canada. In furtherance of this objective, how readily are understood his veto on Great Britain's entry into the Common Market, his attacks on the United States dollar and even his intolerable intervention in the internal affairs of our own country. De Gaulle would be delighted to see NATO downgraded to that of an ineffectual police force in Europe, with the United States and Canada excluded from its councils while we supply France with all the fissionable material required to build her into a nuclear superpower dominating Europe and holding the balance of power between the U.S.S.R. and the U.S.A. Honourable senators, no secure peace can be found in this global village of ours while one of its natives holds visions of a second Austerlitz.

In the context of these events, in 1966 the Minister of Foreign Affairs for Belgium proposed a broad analysis by the NATO Alliance in the light of international events transpiring since the signing of the Treaty. This study resulted in what we now know as the Harmel Report and, in essence, its conclusions are as follows—and I know that their validity warrants their quotation:

> The Atlantic Alliance today has two main functions. Its first function is to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur. Since its inception the Alliance has successfully fulfilled this task. But the possibility of a crisis cannot be excluded as long as the central political issues in Europe, first and foremost the German question remain unsolved. Moreover the situation of instability and uncertainty still precludes a balanced reduction of military forces. Under these conditions the Allies will maintain as necessary a suitable military capability to assure the balance of forces thereby creating a climate of stability, security and confidence.
>
> In this climate the Alliance can carry out its second function, to pursue the search for progress toward a more stable relationship in which the underlying political issues can be solved. Military security and a policy of detente are not contradictory but complementary. Collective defence is a stabilizing factor in world politics. It is a necessary condition for effective policies directed towards a greater relaxation of tensions. The way to peace and stability in Europe rests in particular on the use of the Alliance constructively in the interests of detente. The participation of the U.S.S.R. and the U.S.A. will be necessary to achieve a settlement of the political problems of Europe.

Honourable senators, the Harmel Report received the approval of all the ministers of foreign affairs of the NATO countries, including that of France, in December, 1967. The stress laid by the Harmel Report on the furtherance of detente with the Warsaw Pact countries was lent great credence by the continually broadening trade and cultural contacts opening up between East and West between the years 1965 and 1967 and, further, by the signs of liberation being hopefully seen in Rumania, Yugoslavia and, particularly, Czechoslovakia.

Last May hope was riding high that a balanced force reduction of arms between the NATO and Warsaw pact countries might come about—and I stress "balanced force reduction," as opposed to a unilateral reduction by members of the alliance alone. It was in this atmosphere that the political, military and economic committees of the North Atlantic Assembly met in May last. In brief, some of the highlights of the matters discussed I would just refer to as headings, to give you an idea of the scope of the activities of the committees.

There was discussion, for instance, regarding the possibility of developing a parliamentary dialogue with the Warsaw Pact countries and their parliamentarians. Ways and means of heightening the then atmosphere of detente were discussed at considerable length. The question of Greece and its position in NATO while under the subjugation of a military junta was under active discussion, with opinions expressed both ways. The development of a nuclear force in Europe under a federal control was discussed, as were the problems concerning, and the necessity for, the entry of the United Kingdom into the European Common Market.

The balance of payments problems, then persisting and quite acute, in the United

Kingdom and the United States were discussed in papers of some length, as indeed also was the rise of protectionist forces resulting from those balance of payments problems.

Finally—and I should say that this has always been a concern of the Assembly—there was discussion on the failure of member countries to meet the commitments they had given with respect to aid to underdeveloped nations.

I shall not mention these topics further, because I feel that at this point it is important to underscore the fact that at the time there was a growing and very real concern prevalent in all of the discussions with respect to a new threat—not a portent of Czechoslovakia—but in the Mediterranean.

Honourable senators, put quite simply, NATO has confronted force with force in Central Europe, and this strategy has been one hundred per cent successful, but out of the devastating defeat of Arab aggression in the Middle East last year by Israel, Russia, rather than suffering a humiliating loss of face as the technical architect of that aggression, has emerged in the Mediterranean as the tactical victor. Russia is turning the southern flank of NATO. There this historically continental land force is emerging as a maritime power second only to that of the United States. With the Suez Canal blocked, the Bosphorus rivals the Straits of Gibraltar as access to domination of the Mediterranean. Where does this leave Italy, Greece and Turkey, which are absolutely dependent upon seaborne supply through the Mediterranean?

Morocco and Syria are now ideologically infiltrated by communism. Egypt has about 250 jet fighters and 90 new bombers. About 3,000 Soviet officers are in Egypt to train the Egyptian armed forces. Above all, full-scale Soviet fleets are now established in the Mediterranean with bases in Alexandria, Port Said, and the Syrian port of Latakia. In Algeria the abandoned French naval base of Mers-il-kebir is subject to Soviet overtures, as, indeed, is Malta, recently vacated by Great Britain.

The avowed purpose of these naval forces in the Mediterranean is to drive the United States Sixth Fleet from that sea.

How will NATO respond to this threat? The Russians are watching with great interest.

What even greater catastrophic events have transpired since May? The brutal smothering by Russia and her Warsaw Pact allies of Czechoslovakia's moves towards liberation needs no underscoring. Like Churchill's Fulton speech, and even more dramatically, it has ripped away the civilized mask with which the Soviets were fooling an increasing number of the gullible academics and many of the new generation. The sacrifice of the brave Czech nation is again, as at Munich, the redemptive price for our own lack of vigilance.

The Russian military occupation of Czechoslovakia was accomplished with an alacrity and precision which astounded western observers. Imagine if it had been East Germany rather than Czechoslovakia this time and NATO had been downgraded or dissolved. Would a West Germany freed of its NATO controls stood still? Can anyone imagine a more classical inception for a nuclear Armageddon? What a small price we, in Canada, pay to play an even small part in helping to deter our ultimate destruction.

Hon. Senators: Hear, hear.

Hon. Mr. Lang: Honourable senators we cannot forget that over us will fly nuclear missiles directed against the United States and over us will be exploded nuclear missiles which are intercepted by American Anti-I.C.B.M.'s.

Our stake in world politics is as vital to us as to any other nation in the world.

Now, honourable senators, I do not wish to bore you, but I know that you are probably as concerned as I have been in the past few weeks by reading the press and reading reports of events that are transpiring daily, momentous events which receive rather scant notice and are out of perspective in the reports we receive. For instance, one of them that I picked up the other day in the Toronto *Star* had the headline:

> DeGaulle tells Bonn he won't help NATO in face of Czech crisis—his visit came just hours after France vetoed a West German plan to allow Britain into the Common Market—for the third time.

Ten days ago the Toronto *Telegram* reported the National President of the Voice of Women as saying:

> Canada should reduce its commitments to NATO despite Soviet invasion of Czechoslavakia. By remaining in NATO and stepping up military commitments Canada would help accelerate the arms race.

On September 24 the Montreal *Gazette* said:

> The $14 million reduction in the 1969-70 defence budget under the revised spending estimates tabled in the Commons Wednesday (last week) is being achieved by administrative cuts in all commands of the armed forces except Ottawa headquarters, and a $1 million cut to $15,300,000 in mutual aid for Canada's NATO partners.

We have heard statements by prominent political men with respect to the reappraisal of our NATO role and always the undertone has carried that such an appraisal would be to downgrade that role.

Another headline in the Montreal *Gazette*:

> Canada's position still big concern to NATO allies. Mr. Sharp made it clear that the Canadian review of NATO commitments inspired the representation (from the Secretary General of NATO) and that these were directed specifically and appropriately to Canada as the only country with such a review in progress.

Honourable senators, at the risk of being tedious, on my way to Ottawa today I read in the Toronto *Telegram* this account which I think in a rather pithy way summarizes the situation today:

> Soviet moves in the Middle East and Mediterranean are seen as part of a vast plan to establish Russia as the unchallenged master of eastern Europe and parts of the Middle East, in the expectation that the U.S. government will still hesitate to take any counter-action, tied up as it is in Vietnam and with the forthcoming presidential elections.
>
> Warning signs include the strengthening of the Soviet fleet in the Mediterranean—raised to 48 vessels, including the arrival of a Russian aircraft carrier —the use of the powerful naval harbor of Mers-el-Kebir, built by the French but now abandoned to the Algerian republic which is increasing its co-operation with Moscow; more Soviet military aid to Egypt; Moscow's harsh warning to Israel, and the round trip to the Communist capitals of Eastern Europe of the Soviet commander-in-chief Marshal Yakoubovski.
>
> The French were impressed last week with what West German Chancellor Kiesinger told them about his fears of coming Russian aggression, with Russian divisions in Czechoslovakia now standing close to the borders of Bavaria.
>
> The Israeli government, without too much hope, has been pressing the French government for delivery of the Mirage planes suspended by France after the six-day war last year. So far Israeli Foreign Minister Eban has not shaken the French attitude of strict "neutrality."
>
> "In Europe the post-war period is definitely behind us," a diplomat commented this week. "We have entered a new pre-war era."

Honourable senators, these pronouncements will continue to create grave concern among those of our people who see the world as it really is, one very small interdependent whole. They are of concern to those who realize that only in maintenance of alliances both militarily and economic can the Western world work towards peace. Perhaps, to put some matters in perspective, it would be useful, if I could mention a few cost factors involved. The revised Estimates tabled in the House of Commons last week removed $13,637,000 from the defence budget, leaving the total at $1,715,954,000.

I think the important point regarding this $1,750,000,000 total is that only $150 million is represented by the cost to us of maintaining 10,000 men in Europe under NATO. That is 8.6 per cent of our total defence expenditure. In other words, the cost of maintaining our one mechanized infantry brigade and six strike reconnaissance squadrons in Europe amounts, in round figures, to less than 10 per cent of our total defence budget. Under these circumstances, if Canada wants to maintain more or less its present posture in world affairs and its present relationship with the United States, then it is already at the minimum of what must be done in the military field abroad. On the other hand, we have the alternative of withdrawal, losing whatever influence we may now have, particularly in maintaining a U.S. commitment in Europe and in the process becoming a gigantic Sweden or Iceland in a politic-military sense.

Already our defence expenditures as a percentage of our G.N.P. have dropped from 9 per cent in 1953 to 4 per cent in 1965, at that date lower than any other NATO country except Belgium, Denmark, and Luxembourg.

We are at the bare minimum now in the world as it is today.

Honourable senators I would like to deal briefly with a point which causes me, and I am sure you, great concern. I am convinced that to regard our NATO commitment as an alternate to aid to underdeveloped countries, is the grossest form of sophistry. Regarding our international target of 1 per cent of the G.N.P., we fell short in 1967, reaching only .44 per cent.

Honourable senators, you can see further that if we switched our total NATO expenditure into aid, we would increase it by the merest fraction in terms of our gross national product, while our target must be—and we should strive towards it—an increase of 5.6 per cent, to reach our 1 per cent target. I hope that some of these comparisons will help to put these matters in perspective.

Honourable senators, I have some conclusions that I would like to outline to you briefly. I must say that they are only personal conclusions—conclusions of a relatively uninformed person, but I put them before you for what they are worth.

Honourable senators, it is my opinion that, without question, France's foreign policy is inimical to the best interests of the western powers, including Canada. Canada should bend every effort to influence that foreign policy, little though it may be, and perhaps waiting patiently for a change in government over there. Our efforts should be directed towards the return of France to full membership in the NATO Alliance. Our efforts should be to assist in overcoming France's veto of the United Kingdom's entry into the common market—all directed towards the maintenance of a strong united European alliance, dominated neither by France, the U.S.A. nor West Germany.

Honourable senators, if by any chance we can develop leverage to these ends, through our control over sale to France of fissionable materials—plutonium and uranium—let us not hesitate to use that leverage to the full.

Secondly, I am convinced that the United States does not want to dominate the Mediterranean with its Sixth Fleet, but peace in that troubled part of the world is unlikely to be maintained through the United Nations today. Joint national naval efforts can create stability without the political stigma attached to operations by one of the super powers alone. The United States has suggested the constitution of a NATO Mediterranean fleet, perhaps based on Malta. Canada should support this concept. We, and I apply this also to Great Britain, can lend little real naval might to such a force but sometimes the balance in decisions of this nature is so delicate that often a positive position by a minor power can turn the tide.

I might say, in this connection, that Russia may be a net importer of oil by 1973. Perhaps some of her aspirations in the Middle East in this light may be understandable and I think that if legitimate they must be met. However, domination of the Mediterranean for purely imperialistic reasons could spell the end of the effectiveness of the alliance by simply turning its southern flank quickly, with the most dangerous consequences to all of us in the western world, but particularly to Israel, Turkey, Italy and Greece.

A NATO presence is a weapon in the battle for the minds of men and nowhere is such a battle now being waged more vigorously than in the Middle East.

Honourable senators, thirdly, I think a reappraisal by Canada of the role of NATO is timely, but such a reappraisal must be cold-blooded and realistic and with a clear appreciation of the implications of the events in Czechoslovakia. We are still part of a very interdependent western world and to detach ourselves therefrom is to deny ourselves a place at its councils and to relegate ourselves to relative politico-military obscurity.

A re-affirmation at this time of our clear intention to be and remain a full partner in the alliance would dispel the doubts now entertained by our allies and give NATO a new impetus quite out of proportion to our relative contribution. In my opinion, this should be done now by this Government.

Honourable senators, it may very well be that the military apparatus of our NATO forces is obsolete or inadequate, or that maximum utilization of our role is not being realized. Such possibilities should be the subject matter of reappraisal; but let no one tell us that Canada can perform its function as a member of the alliance by utilizing only troops stationed in Canada and available for transport to Europe. I submit we could not or would not get them on the spot in time. The rapid deployment of 200,000 Russian troops into Czechoslovakia confirms this. The fact is that it is the actual physical presence of troops in Europe that maintains the morale of the people there and deters the making of an aggressive decision by Russia, an aggressive decision that would gamble on the mutual avoidance of nuclear weapons.

Finally, honourable senators, I fail to understand why Canada's full commitment to NATO should in any wise inhibit her initiatives for independent policies in other fields. As I said earlier, the argument that NATO and aid are alternatives is spurious in view of the relative cost factors. A strong NATO, with our participation, far from lessening the chances of detente with the Warsaw Pact countries and an ultimate balanced reduction of forces, in fact creates the conditions under which that is most likely to come about.

Mutual respect and confidence may take a long time in coming, but it will never come if the west exhibits disunity, equivocation and lack of resolve. Such merely confirms the views of the west held by many communist countries and encourages their hopes. From strength alone can we bargain successfully.

Honourable senators, in closing, I would say to you that peace, with its connotation of finality and its overtone of the everlasting, we may never again see on this little space ship earth. But liberty and the absence of war we likely can maintain by constantly, continually and perhaps indefinitely striving and paying for it. Honourable senators, I think it is worth it.

Hon. Senators: Hear, hear.

Hon. Mr. Hollett: Honourable senators, in view of the excellent speech we have heard from a senator for whom we all have the greatest admiration, I do not know if there is need to ask this question, but I would ask it so that his answer will be known: Is he in agreement with the recent sale of fissionable material to France?

Hon. Mr. Lang: Honourable senators, all I know is what I have read in the newspapers. From the account given this morning of the details of the contract, I would say it imposes a limitation on the use of that plutonium to peaceful purposes. That is consistent with the policy which the Canadian Government has pursued with France in connection with the sale of atomic material up to date.

Hon. Paul Martin: Honourable senators, I had not intended to take part in this discussion at this time but as a member of the Government I feel I should make a few observations.

First of all, I wish to join in the commendation already extended to Senator Lang for his careful and responsible statement. His speech this evening is a good justification for meetings of members of parliamentary bodies from countries which belong to NATO. The preparatory meeting of the North Atlantic Assembly was designed to give members of Parliament in the 15 NATO countries the opportunity to learn of developments in the NATO alliance.

We have had from Senator Lang tonight a good demonstration of the value of these *ad hoc* arrangements to enable parliamentary bodies to get better information about the workings of NATO. I very warmly congratulate Senator Lang on an outstanding speech.

Some Hon. Senators: Hear, hear.

Hon. Mr. Martin: As he said, the meeting which he attended last May preceded the serious events in Czechoslovakia a few months ago. I had something to say when I first spoke in this house two weeks ago about the implications of the invasion by the Soviet Union of Czechoslovakia, an invasion which was clearly contrary to international law and the charter of the United Nations. It was an event of great significance for the NATO alliance. I think the members of the alliance comported themselves wisely and prudently in the situation. They were concerned, as we all must be concerned, about any exacerbation of a situation that could engulf our world. This does not mean to say that the ambassadors of the 15 countries at the NATO council were not engaged in serious consideration of what the invasion of Czechoslovakia meant; it does not mean that the governments of the 15 countries were not equally industrious in assessing the implications of the invasion. We may assume that these assessments were made by the NATO council and by the individual governments. In fact, this matter will continue to engage the NATO council and the NATO governments, and particularly will they be concerned about any possible repetition of these events in other countries—not that any repetition is apparent or, so far as I know, intended. But these are matters that obviously must be of concern to NATO and to all the countries concerned.

It is important that there should be the widest public discussion in Canada of our membership in the alliance. That discussion is under way. Article 13, as we have been reminded, provides that in 1969, after 20 years of NATO's existence as an alliance, any member state in the alliance may give notice of intention to withdraw from the organization.

There is no indication whatsoever, and no reason for believing, that that is the course which Canada will follow simply because Canada is now engaged in a program of reappraisal. I am sure that honourable senators will understand that I can go no further tonight than to say that we are engaged in a reappraisal of our NATO obligations. The Prime Minister said the other day that there was no intention to avoid our commitments, but that does not preclude us from examining the nature of our military commitment. It does not preclude us from determining in what way we can make our greatest contribution to an alliance which we believe has served an essential purpose, that of maintaining peace in Europe, by providing the stability without which it might not have been possible to maintain peace in Europe.

No one should doubt the value of NATO. What we have to understand is that NATO came into being 20 years ago, at a time when a large portion of our population was not contemporary with it and which is not now as freshly aware of its meaning as those of us who were adults at the time it became a commitment for Canada and the 14 other countries.

Certainly, Canada's association with NATO from the beginning has been an intimate one. I well remember sitting behind the then Secretary of State for External Affairs, Mr. St. Laurent, in the first committee of the United Nations when we joined our voice with others in declaring that the military arrangements in the United Nations were such as to make it necessary, in the interests of our security, for like-minded nations to provide a defensive mechanism, not then available to them under the Charter of the United Nations. In this declaration Mr. St. Laurent was giving expression to his support of the formation of a defence alliance of Western nations to protect certain powers against the armed might of the Soviet Union.

Article 43 of the charter of the United Nations was intended to provide that body with the necessary machinery for a common defence and a common security. Because of the intransigence at that time of the Soviet Union, we had open to us seemingly no other option but to form a defensive alliance, as indeed one was formed. Canada from the beginning was one of the early participants and one of the originators of that alliance.

I think it should be clear that France has not withdrawn from the alliance. France has decided not to share in the integrated force structure. France does not accept the concept of an integrated command, but she continues to be a member of the alliance and has affirmed her commitment with regard to article 5 of the treaty, which provides an arrangement to assist any partner country who may be the victim of an aggressor. In this connection it is important to note in passing that General de Gaulle said two days ago, following his discussions with Chancellor Kiesinger, that France did not propose to sit by if there was an aggression by the Soviet Union against West Germany.

My strong view is that, while France does not support the integrated force structure or the integrated command arrangement, nevertheless, it is not likely to leave the alliance. And there are reasons for this conclusion. We have the observation of General de Gaulle only the other day in Bonn, that any undue insistence on the part of any Common Market country for the inclusion of the United Kingdom in the Common Market could very well cause France to give second thoughts to what she would do in the twentieth year. My belief, as I say, is that there are many reasons why France will continue in the alliance. But it is for each country to determine whether it is prepared to accept certain military commitments at a certain level. It is up to each country to determine in accordance with its sovereign power what it proposes to do by way of giving notice in the twentieth year.

I would not want now to anticipate what will be the position of Canada. I would not want my words to be construed as meaning anything other than that all we are doing now is to engage in a process of reappraisal of our position—not only with regard to NATO but with regard to many other aspects of our foreign policy. Any Foreign Office must be continually engaged in making an assessment of its foreign policy. This applies to NATO as well as to other areas of foreign policy. We are now engaged in that appraisal, and when the assessment has been completed, the Government will be in a position to make known its views.

Honourable Senator Lang referred to the Harmel Study, named after the present Foreign Minister of Belgium. In 1965 Canada proposed to the Council of Foreign Ministers of NATO that the time had come when there should be an examination of the state of the alliance. I had the responsibility of stating the Canadian case, anticipating somewhat the very kind of examination now under way in Canada. After the intervention of General de

Gaulle in April 1965, when he called for the withdrawal of American and Canadian forces in France, and the decision of the French Government no longer to participate in the integrated force structure and common command arrangements, we decided this study should not be proceeded with until we had a better appreciation of what the French action meant.

However, in 1966, with our support, the Government of Belgium called upon the NATO foreign ministers to engage in a study of the state of the alliance. As Senator Lang has pointed out, the result of that study was to give emphasis to the importance of a common military contribution and to recognize the political importance of trying to bring about an easing in the tension that prevailed between East and West; in other words, to try and promote detente between the Soviet Union and the Western powers. The emphasis was shifted from the military to the political, not that there was a failure to recognize the importance of the former, but rather that there was a recognition of the growing importance of trying to move towards some arrangement with the Warsaw Pact powers, with a view ultimately to reaching a stage of mutual disengagement in Europe itself, something that many of us believe could happen in spite of Czechoslovakia, perhaps if the war in Vietnam came to an end.

In any event in 1966 all 15 countries, including France, resolved that they would give added emphasis to this political role. They encouraged bilateral relations between NATO countries and the Soviet Union and other Eastern European countries. It was pursuant to that that the Government of Canada decided that I as Secretary of State for External Affairs in the fall of that year should visit Poland and Moscow with a view to trying to improve our respective relations and promote detente generally. Most of the foreign ministers of the NATO countries that year, either before or immediately thereafter, exchanged similar visits with the Soviet Union, Poland and other Eastern European countries. In the case of Canada these visits were confined to the two countries, the Soviet Union for obvious reasons and Poland because she shared with Canada and India the responsibility of membership on the International Control Commission in Vietnam.

I am sure the prudent view is that notwithstanding the situation in Czechoslovakia, grave as that event is—and I think that is the adjective to use—we must recognize the ultimate danger to our world unless we reach a period when the evolution of the detente reaches its maturity. If there is no hope of that ever happening—and I am not one who shares that view—then of course there is no hope for our world. I do not believe that we can take that defeatist position.

I agree fully with what Senator Lang has said; collective defence is a stabilizing force and Canada is strongly committed to the principle of collective security. The principle of collective security is basic to the North Atlantic Treaty Organization. Collective security is basic to the concept of the alliance, the phrase which General de Gaulle prefers, and collective security is basic to the concept of the United Nations. It is one of the cardinal principles of Canadian foreign policy to give support to the principle of collective security.

If we are now making an assessment of our position with regard to some of these collective security arrangements, there need be no final conclusions drawn. That, as I said a moment ago, is an understandable, sensible arrangement for any government to make, whether it be a new government or one that has been in office for some time. Even governments that are in office for continuous periods are continually reassessing their positions in many areas of foreign policy. We are not only assessing our position in NATO, we are examining our position with regard to our relations with mainland China, and with regard to the position of that country as a potential member of the United Nations, not because we share the ideological bent of mainland China but because we realize that in the interdependent world in which we live, if peace is ever going to be attained, we have to take into account the existence in that world of all the states who compose it.

We had a visit the other day from the Secretary-General of NATO, Mr. Manlio Brosio. No far-reaching conclusions should be drawn from that visit. He did not come here because we were engaged in a reappraisal of our position in NATO. This was an annual visit, one he makes to each of the 15 countries, affording himself as well as the government receiving him an opportunity to exchange views with regard to problems that have to be faced in common by the members of the alliance.

I agree fully with what Senator Lang said, that it is not wise to equate our military

commitment to NATO to the obligation that faces Canada and other donor countries with respect to obligations we have to assist the underdeveloped nations of the world. Whether we are in NATO or whether we have heavy military expenditures, that does not relieve us of our obligation at this particular time in human history to give assistance bilaterally and multilaterally to the underdeveloped nations of the world. While there may have been reductions in our military expenditures, our assistance and the increase in that assistance to underdeveloped countries have not been dependent upon the reductions which have taken place during the last five years.

If we increased our military expenditures on NATO, that would not relieve us, in my judgment or in the judgment of the Government, of our obligation to share with the other countries in the OECD to help the nations in Latin America, in Asia and in Africa to reach more comparable standards of living, in order to remove the occasion of conflict, to remove the indirect causes, at least, of localized conflict. So, I agree that our NATO commitments are not an alternative to foreign aid, even though that is often put forward as the reason why we should make military reductions.

I am sure that Senator Lang did not mean that we should urge the return of France to NATO. France has not left NATO; France continues to support the alliance. Its foreign minister continues to participate in the discussions of foreign ministers and of the representatives of the 15 countries that are in continuous session. I, for one, would regard as a tragedy if France, notwithstanding the fact she does not share our view of the value of the integrated force structure, were to go one step further and remove herself completely from participation in the alliance.

So, I agree, honourable senators, with most of what Senator Lang has said, and said so well. If it were not for the fact we are now engaged in a reassessment, I would go even further, but, as a member of a Government engaged in this re-examination, I can go no further than I have tonight.

There is no intention of Canada avoiding its commitments. We are simply engaged now in re-examining our position, in terms of expenditure, in terms of other foreign policy implications. I would hope that there would be a general recognition in Canada of the value of the kind of discussion which has been initiated by Senator Lang—a discussion that took place during the course of the election, a discussion that is taking place now in the academic community and elsewhere in our country, and is now somewhat under cover, naturally, within the cabinet itself; but an assessment there that does not warrant some of the conclusions that have been drawn from the fact that we are making this assessment.

I have long been a believer, as honourable senators are generally, in the charter of the United Nations. As a younger man, I was a believer in the League of Nations. I am a firm believer in the principle of collective security. The world in which we live is one that I am sure underscores the strength of the principle of collective security. We did not join NATO because we thought it was going to be a permanent organization. We helped create it because we felt the United Nations at that time was not strong enough on the military side to guarantee our security. We long for the day when the United Nations will become strong enough to make it unnecessary for these regional arrangements to exist—regional military arrangements which, by the way, come within the permissive authority given to those arrangements by the charter of the United Nations.

I thank Senator Lang for initiating this discussion. As I said earlier, I hope that in this chamber we will have many opportunities to review these matters. The fact that our agenda is not so heavily charged imposes a special responsibility on us, as I think it does on no other body in Canada, to discuss these matters, to discuss them as we see them.

Every honourable senator in this chamber, with the exception of myself as Government spokesman, has an unfettered freedom to discuss these matters as though he were outside the precincts of Parliament. It is out of discussion that the democratic process portrays itself as a mighty instrument. It is because I believe that firmly that I welcome the discussion which Senator Lang initiated this evening.

Hon. Mr. Flynn: Honourable senators, I move the adjournment of the debate.

Hon. Mr. Aird: Honourable senators—

Hon. Mr. Flynn: If the honourable Senator Aird wishes to speak, I am willing to yield.

Hon. Mr. Aird: I wish to move the adjournment of the debate.

Hon. Mr. Choquette: That makes three on the same side.

The Hon. the Speaker: It is moved by the honourable Senator Flynn, seconded by the honourable Senator Aird, that this debate be adjourned until the next sitting. Is it your pleasure, honourable senators, that this motion be adopted?

Hon. Senators: Agreed.

CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION ACT

BILL TO AMEND—SECOND READING

Hon. Leopold Langlois moved the second reading of Bill S-5, to amend the Canadian Overseas Telecommunication Corporation Act.

He said: Honourable senators, this bill is simple enough, as it proposes three amendments which one could categorize as of a housekeeping nature.

When the Canadian Overseas Telecommunication Corporation expropriated the assets of the Canadian Marconi Company in 1950, as it was empowered to do under the terms of the C.O.T.C. Act, included in those assets were the antenna and the H.F. radio equipment used to provide telephone service between Canada and Newfoundland which, until Newfoundland became the tenth province, had been an overseas or external service. It was not practical to omit from the total expropriation this single item and, accordingly, Bill C-12, introduced in the House of Commons in 1949 and assented to on November 25, of that year, providing for the establishment of Canadian Overseas Telecommunication Corporation, specifically included the rights to operate between Canada and Newfoundland.

Under this authority the Corporation continued to provide the service through the limited facilities then available, but it immediately planned to provide for substantial expansion to meet the growing demand for telephone service between Newfoundland and the mainland of Canada.

Eventually, however, it was decided that the Newfoundland service should more properly be in the hands of a domestic carrier, and, after some lengthy negotiations with Canadian National Telecommunications, the Corporation transferred the operations to the former, effective January 1, 1966, and leased to C.N.T. for 15 years some 48 circuits in the short Grosses Roches-Corner Brook segment of the transatlantic telephone cable, CANTAT. These circuits were in excess of the number then capable of being provided on the longer transatlantic section between Oban, Scotland and Corner Brook, Newfoundland, and were, therefore, specially provided by the Corporation for telephone purposes between Newfoundland and the mainland.

In view of this transfer of responsibility for the service to Canadian National Telecommunications, there is no longer any need to provide for it in the Canadian Overseas Telecommunication Act, and so the appropriate amendments in clauses 1 and 2 of the bill are being proposed.

With respect to the third proposed amendment, the original clause 3, being subsection 2 of section 8 of the act, imposed very restrictive limits on the board of directors of the Corporation with respect to placing contracts, entering into agreements, disposal of assets, and so on. At the time of writing the act these were perhaps reasonable enough, but with the changing values over the past 18 years, and the fact that the Corporation has made such important progress in overseas telecommunications in the national interest, the originally authorized capital of $4,500,000 has been greatly exceeded to provide for the introduction of considerably expanded and modern equipment, including new multichannel cables across the Atlantic and the Pacific, a share in the global satellite system, and so forth. The limitation of $50,000 on spending by the directors without prior approval of the Governor in Council is completely outmoded, too restrictive, and wasteful of time, involving as it does considerable and unnecessary time and paper work by the Corporation, the Department of Transport, and the Treasury Board. Much time and labour will be saved by increasing the amounts which the board of directors may approve without reference.

Honourable senators, these proposed amendments to the Canadian Overseas Telecommunication Act are recommended for your consideration and approval.

Hon. Donald Smith: Honourable senators, I cannot let this opportunity pass to make some personal observations in respect of one phase of the operations of the Canadian Overseas Telecommunication Corporation, the subject of this bill.

The honourable sponsor of this bill, Senator Langlois, made a passing reference to the participation by this Crown corporation, the Canadian Overseas Telecommunication Corporation, in the global satellite system.

However, I think most of us would be interested to learn that the first Canadian earth satellite station was finished several years ago at a location about ten miles from my home town of Liverpool, Nova Scotia. It was, by the way, the subject of some rather critical comment by the Auditor General a year or so ago when he included it in his many references to sloppy budgeting by Government departments. He referred to the fact that the actual cost of this earth satellite station far exceeded the original estimate. I am sure that if he or his staff had been down there during construction days, and had talked with those who developed this particular project, they would have realized that this was one project the cost of which no company could have controlled. It was completely experimental.

As a matter of fact, when the first phase of this earth satellite station was constructed it was called "Earth Satellite Station (Experimental)". The Government and the C.O.T.C. had decided some time previously to go ahead with this earth satellite station so that Canada could participate in a meaningful way in what all the experts in the field regarded as a great opportunity for expanding communications around the world. It was estimated that the cost would be in the vicinity of $6 million or $7 million. I think that figure rose to close to $10 million before completion.

I am sure that the Auditor General, and all honourable senators, will be pleased to learn, as I was pleased to learn some time ago, that this enterprise, which was entered into with the support of Treasury Board at that time, has been a complete success in every way, shape and form.

In the first place, it is no longer referred to as an experimental earth satellite station. It is a truly commercial station, and has been for the last year or so. I am informed that it is making the usual profit which has accrued to all other operations of this well-run Crown corporation.

As honourable senators can see, I have no prepared statement on this subject. I did not know that it was going to be raised tonight. But I take this opportunity of telling the house that the scientific and technical personnel who came into our community in that part of Nova Scotia have proved to be a valuable addition to the life of that general area. Not only have they brought their wisdom in their technical fields, but they have brought a willingness and a real desire to participate in all the affairs of the community in churches, service clubs, charitable organizations, youth movements and other endeavours. We welcome that very much, and for that reason I am glad that this area was chosen for the erection of this earth satellite station.

The employment that was provided for our local tradesmen and craftsmen was of great importance. The construction of the station provided a significant amount of employment at reasonably good wages, and it has been worthwhile from that standpoint. It has also provided an outlet for the skills of the local people, in allowing them to participate with more highly trained technical people in the maintenance and operation of this station.

There is presently under construction a unit of this station which is going to cost quite a large sum of money, although it will probably be much less than the cost of the original station. The first station has been an entire success, and the second station is required because of the increased load of communications material in various forms that is flowing through that station and on to the communications network of this whole continent.

I would say to those honourable senators who some day may be visitors to that particular area of Nova Scotia that as they go along the main highway from Halifax, and get close to the town of Liverpool, they will see in the distance a rather eerie sight. That is the shining film on the inflated sphere which houses the antenna used in tracking the signals from the satellite which at certain stated periods of the day passes overhead. Visitors are welcomed at the site. There are window slots provided at the car park, through which one may look into the sphere and see what is going on. One gets a rather uncomfortable feeling as he looks into a world of fantasy.

Another addition, that is now found to be necessary, is the construction of a cable that will lead from the station down to the shore line and across the water to make a connection to a similar satellite station located in the interior of the State of Maine.

This whole operation has been such a huge success that someone in a public place should have an opportunity, as I have had tonight, to congratulate those scientists and technicians who have made Canada's participation in the new world of communications so effective, and in an area of which I am generally very proud.

Hon. Senators: Hear, hear.

Hon. Jacques Flynn: Honourable senators, we are indebted to the sponsor of this bill (Hon. Mr. Langlois) for his clear explanation and also to Senator Smith (Queens-Shelburne) for telling us something of the excellent job which Canadian Overseas Telecommunications Corporation is doing.

This bill has two purposes, as has been explained by the sponsor. The first one is very interesting, because it suggests that after nearly twenty years in Confederation, Newfoundland, upon the adoption of this bill, will be considered as part of Canada in the field of telecommunication services. It is about time such an event happened, and I am sure all honourable senators share this view.

The second amendment would place in the Governor in Council's power the regulation concerning the limits under which the corporation will be acting in its spending and in the acquisition of real and personal property. At present the act provides that:

> Unless the approval of the Governor in Council is first obtained, the Corporation shall not
>
> (a) enter into an agreement involving expenditure in excess of fifty thousand dollars;
>
> (b) enter into for a period exceeding three years any agreement or lease that involves an expenditure in any year of more than five thousand dollars; or
>
> (c) acquire any real or personal property, the cost of acquisition of which exceeds the sum of fifty thousand dollars . . .

The purpose of this amendment is not too clear to me. After all, it simply will transpose into regulations the principles which are embodied in the law. We are not exactly in the field of technical matters. We have a corporation which is doing a very definite job, which has precise responsibilities, and I do not see why the legislation does not spell out clearly the authority which we want to have in this corporation, and why we should transfer to the Governor in Council the power to regulate the operations of this corporation in the matters indicated in section 3.

Perhaps the sponsor of the bill will move that it be referred to a standing committee, where I hope we will be able to get the required information, and if it is found not to be satisfactory we would wish to move an amendment.

The Hon. the Speaker: May I inform the honourable senators that if the mover (Honourable Mr. Langlois) speaks now it will have the effect of closing the debate.

Hon. Mr. Langlois: Honourable senators, the Leader of the Opposition has pointed to the apparent delay of 20 years in introducing this legislation, and has wrongly related the proposed amendments to the entry of Newfoundland into Confederation.

Hon. Mr. Flynn: Not at all.

Hon. Mr. Langlois: As I explained in my opening remarks, this measure is the result of a change in the communication system between Canada and Newfoundland, and it was only in January 1966.

Hon. Mr. Flynn: I spoke with tongue in cheek, but you did not see it.

Hon. Mr. Langlois: It was only 1966 that the change took place in the operations which were up to that time performed by the Canadian Overseas Telecommunications Corporation, and which are now performed by the Canadian National Telecommunications.

As regards the reference of this bill to a committee, I must inform my honourable friends now that it is my intention to propose that this bill be referred to the Standing Committee on Transport and Communications.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Honourable Mr. Langlois, bill referred to the Standing Committee on Transport and Communications.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, October 2, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of a letter, dated September 21, 1968, addressed by the Secretary of State for External Affairs to the Secretary General of the United Nations with respect to the situation in Nigeria, together with copies of the Secretary General's reply, dated September 27, 1968. (English and French texts).

Copies of a Press Release, dated September 30, 1968, issued by the Department of External Affairs, with respect to Canadian relief programmes in Nigeria. (English and French texts).

Report on the Administration of the Industrial Research and Development Incentives Act for the fiscal year ended March 31, 1968, pursuant to section 17 of the said Act, chapter 82, Statutes of Canada, 1966-67. (English and French texts).

INTERNAL ECONOMY COMMITTEE

ADDITION TO MEMBERSHIP

Hon. Arthur L. Beaubien, with leave of the Senate, moved:

That the name of the Honourable Senator McDonald (Moosomin) be added to the list of senators serving on the Standing Committee on Internal Economy and Contingent Accounts.

Motion agreed to.

APPROPRIATION BILL NO. 3, 1968

SECOND READING

Hon. Leopold Langlois moved the second reading of Bill C-108, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

He said: Honourable senators, this bill is a simple one indeed. It merely seeks authority for expenditures already contained in the Revised Estimates tabled in this chamber yesterday, and which were referred to the Standing Committee on Finance.

This bill will provide, in respect of the Revised Estimates for 1968-69; (a) nine-twelfths of all items to be voted in those estimates, or a total amount of $4,852,052,-274.75; (b) an additional two-twelfths of the following special items: Energy, Mines and Resources, Vote No. 60; Finance, Vote No. 30; Legislation, Vote 15; Public Works, Vote Nos. 25 and 30; Secretary of State, Vote No. 2; Transport, Votes 15, 25 and 90; Treasury Board, Vote 25; Loans, Investments and Advances, Votes L35 and L125. These votes, which are more specifically described in Schedule A of the bill, total $35,666,416.67. And (c) an additional one-twelfth of special items as follows: Agriculture, Vote 15; Energy, Mines and Resources, Vote 75; Indian Affairs and Northern Development, Vote 34; National Defence, Votes 20 and 50; Privy Council, Vote 15; Regional Development, Vote 25; Secretary of State, Votes 1 and 65; and Transport, Vote 5. These votes, which are specifically detailed in Schedule B of the bill, total $6,681,409.50.

The grand total of these items is $4,894,-400,100.92, from which must be deducted the amounts already authorized by Appropriation Act No. 2, assented to on March 28 last in respect of the Main Estimates referred to in the act and amounting to $1,118,202,797.17, leaving a net amount provided in the present bill of $3,776,197,303.75.

Honourable senators, the proportions requested in this bill are intended to provide for all necessary requirements of the Public Service up to December 31 next. In no instance is the total amount as shown in the revised estimates for 1968-69 being released by this bill. This bill was prepared in so far as possible in the form with which honourable senators have become familiar over the past several years, but some change has been required this year as a consequence of the revision of the original Estimates. The former appropriation act released supply on the basis of the amounts shown in the Estimates. Those Estimates have been replaced by the Revised Estimates, and cannot be used as the basis for further supply.

This bill, therefore, has been drafted in the manner which will relate previously authorized supply, as well as the additional supply requested for June to December, to the Revised Estimates which were tabled in the other chamber on September 25, last Wednesday, and in this chamber yesterday.

I wish now, honourable senators, to give the usual assurance that the passing of this bill will in no way prejudice the rights and

privileges of members of this and the other house to criticize any items in the Estimates when they come up for consideration in committee; and the usual understanding, that such rights and privileges will be respected and will not be curtailed or restricted in any way as a result of the passing of this measure.

Hon. Jacques Flynn: Before I comment on this bill, may I put a question to the honourable sponsor?

He has mentioned the Revised Estimates. Does he have the exact figure of these Revised Estimates? Can he also give us the figure of the original Estimates which were deposited before the other place and in this house, I think it was last March, so as to compare with the amount of the Revised Estimates?

Hon. Mr. Langlois: Honourable senators, the original Estimates were tabled in the other house on February 12, and, as I said a moment ago, the Revised Estimates were tabled there on September 25 and in this house yesterday.

On pages 6a to 6d of the revised Estimates there is a reconciliation of the Revised Estimates with the original Estimates.

To answer the question posed by the honourable Leader of the Opposition, the total amount of the original Estimates to be voted for 1968-69 appears at page 4 of the Revised Estimates, in the amount of $5,784,-876,221, and the total of the amount authorized by statute for 1968-69 is $4,886,054,377. The total expenditure for 1968-69 is $10,670,-930,598; as compared to a total for 1967-68 of $9,927,698,631, showing an increase in this year's total Estimates of $743,231,967.

Hon. Mr. Flynn: Am I correct in suggesting that the original Estimates were for $10,300 million?

Hon. Mr. Langlois: The total for this year?

Hon. Mr. Flynn: The Minister of Finance last spring said that the total budgetary expenditures would amount to $10.3 billion.

Hon. Mr. Langlois: $10,670,000,000.

Hon. Mr. Flynn: This is the Revised Estimates.

Hon. Mr. Langlois: Yes, this is the Revised Estimates. The other figure is $9,927,698,631.

Hon. Mr. Flynn: Is not that for last year?

Hon. Mr. Langlois: I am sorry; I do not seem to have that information here. I will give that information later today if it reaches me in time.

Hon. Mr. Flynn: I have the information, but I just wanted to be sure that it is in accordance with the figures that the honourable sponsor of the bill has. I do not want to start an argument on figures, but rather to discuss the meaning of the amounts.

Honourable senators, this is a bill asking for interim supply and it is in the usual form. It asks approval for the granting of the sum of $3,776,197,303.75. If this bill passes then, taking into account the amounts covered by previous interim supply bills, approximately nine-twelfths of the budget for 1968-69 will have been voted, leaving one-quarter, which will be supply for the months of January, February, and March, 1969, to be voted.

The honourable sponsor of the bill has given assurance that the passing of this bill by the Senate will in no way take away from the right of honourable senators to discuss any item in the budget when it is considered in either this chamber or the Standing Committee on Finance, to which, in fact, the Estimates for the fiscal year 1968-69 have been referred.

The practice has always been that the Senate should never move an amendment to an appropriation bill. However, it has been agreed that in extreme circumstances the Senate can vote against an appropriation bill.

Hon. Mr. Roebuck: Or reduce its amount.

Hon. Mr. Flynn: I do not think everybody is in agreement with that proposition, and I did not contemplate entering into discussion of that specific point at this time. That may be so, but I am speaking more especially of an appropriation bill, and not necessarily a money bill. I would say that the Senate could vote against a section of a money bill, which would have the indirect effect of reducing an appropriation, but that applies only in the case of where something other than an appropriation bill is being considered. For instance, if we were to have before us a bill providing a salary for a certain office, we could very well amend it to reduce the salary. But, I am talking of an appropriation bill such as the one we are now considering. It has been generally agreed that the Senate, unless it has very serious reasons, should not bring in an amendment to this kind of bill.

Honourable senators, what I intended to say is that the Senate, however, has a very

clear responsibility to scrutinize the spending of public funds and the financial policies of the Government, and I suggest that generally we can do that better in the Standing Committee on Finance than in this chamber. For this reason I will restrict myself to dealing generally with some aspects of the fiscal policies of the Government concerning the present fiscal year 1968-69.

The sponsor of the bill has indicated that, excluding the Supplementary Estimates which may be submitted to Parliament before the end of the present fiscal year, the total budget expenditures at this time in accordance with the Revised Estimates presented to Parliament will reach the sum of $10,670,000,000, or roughly $10.7 billion. It is quite likely that once all the Supplementary Estimates have been submitted to Parliament the total expenditures of the year 1968-69 will reach close to $10.8 billion, and may be more.

I suggest that it is interesting to compare this figure with the first Estimates. If I understood the honourable senator correctly he said that he did not have this figure. I think it was $10.3 billion.

Hon. Mr. Langlois: I am sorry to interrupt my honourable friend, and I apologize for my mistake. I was looking at the wrong column a moment ago when I was attempting to answer his question. The total amount is to be found on page 6c on the right-hand side of the first column. The total is $10,284,732,032.

Hon. Mr. Flynn: That is roughly the figure that I have just indicated about $15 million less. This is a difference of close to $400 million. It will certainly reach this figure when we have all the Supplementary Estimates.

I think it was in November 1967 that the former Minister of Finance, Mr. Sharp, forecast a deficit of approximately $40 million—roughly a balanced budget. After having a deficit of approximately $800 million for the previous year, the threat of inflation prompted the Government to do everything possible to balance its budget, and it was in this perspective and because of this threat of inflation that Mr. Sharp was hoping to balance the budget or face only a relatively minor deficit of $40 million, plus an indefinite amount for medicare and for the deficit of Expo 67. In any event, roughly, it was the aim of the Minister of Finance and of the Government to balance its budget.

It is interesting to recall what happened in March of this year when the Government found itself in a very serious financial crisis. One also remembers that this crisis was in part at least the result of a vote in the other place. The Government was defeated—it never admitted it, but it was defeated!

Hon. Mr. Martin: It lost the vote.

Hon. Mr. Flynn: It asked for a second vote to see if some persons had changed their minds, and luckily for the Government at that time some had. One remembers that on the first vote on the tax bill all opposition parties had voted one way and the Government supporters were alone; whereas, when that famous vote of confidence was called, some members of two opposition parties had changed their minds. We will probably never find out why.

Hon. Mr. Martin: Perhaps I could see the honourable gentleman privately.

Hon. Mr. Flynn: It was my intention to see the honourable Leader, to give him whatever information I had myself.

Hon. Mr. Walker: He should know.

Hon. Mr. Flynn: Under those now memorable circumstances the Minister of Finance, to seek support from the public and the financial world, announced a reduction of $75 million in the amount of the original Estimates, reducing the total expenditures to $10,225,000,000 from what had been forecast in November 1967. Then we know what happened—the Government had a change in its leadership, and an election was called.

During the election the Government had to borrow $100 million on the United States market. One knows that during an election campaign it is a very dangerous thing for a government to be caught in a financial crisis. I remember, for instance, what happened in 1962, when the Government of that day had to peg the dollar, and the way that situation was exploited by the party which is now at the head of the administration. Under those circumstances, to be on the safe side, the Government reassured the financial world, by submitting to the Exchange and Securities Commission a prospectus in which it assured all concerned, and especially those who would purchase those bonds, that in no way would the figure of $10,225,000,000 be exceeded in the expenditures for the 1968-69 fiscal year.

This prospectus was signed by ministers of the Government—I do not know if they are still acting in the same capacities, but some of them must still be in the Government. For instance, the Minister of Finance was then

President of the Treasury Board and he was one who signed this prospectus.

The first question which comes to mind is that, since these assurances were given that we would not exceed this amount of $10,225,000,000, how can the Government explain that the amount is now up to almost $10,700,000,000 in the expenditures for the current year? I would hope that explanations have been given to the Exchange and Securities Commission. Otherwise, I would suggest that the reputation of Canada is being smeared.

We made representations, when we sold bonds for $100 million, that we would keep our expenditures down to the figure indicated by the Honourable Mr. Sharp in March 1968, that is, $10,225,000,000; and now we say we are going to spend—not counting the Supplementary Estimates which certainly will come along—$10,670,000,000.

Of course, the election is now water over the dam; we have forgotten about it—at any rate, we on this side of the house.

Hon. Mr. Beaubien (Bedford): We will survive.

Hon. Mr. Flynn: We are used to losing, and it has never been as important for us as for the party in power, to win an election and take all the means at hand to achieve it. But, if we can forget about the election, can we as easily forget about those assurances given by the Government of Caanda to the Exchange and Securities Commission? I hope that the Leader of the Government can enlighten us on this particular point.

The increase in those revised Estimates have been blamed partly on the provinces. It is said that it is attributable to increases in the cost of shared programs. Even if in fact that were true, the Government certainly cannot blame the provinces for wrong or false Estimates or inadequate methods in forecasting expenditures. After all, this is where the fault lies. Something went wrong in the estimation of the share-cost programs.

If the Government says that it cannot forecast the cost of the share-cost programs, does it then suggest that we have reached a point where the budget has become uncontrollable? If this is so, we are in serious difficulty and it is about time we revised our old system of fiscal control. It may be that the revenues have not been as high as was hoped, but a difference of $400 million, based on outlay on share-cost programs, is hard to swallow; in fact, I think that explanations have been given only for half this amount. Again, it has not been able to explain why it could not forecast more accurately the cost of these shared programs.

I can understand a Government, and especially a Liberal Government, during an election campaign—and one which came after their having been in office with only a minority of the seats in the other place—juggling with figures and trying to hide or take the benefit of the doubt in every respect possible in so far as its financial problems and policies were concerned. But that is something of the past. The present Government has a majority now in the other place, and it should change its way of dealing with fiscal matters as far as the public of Canada is concerned, and, I would say, as far as the rest of the world is concerned. It should agree that frankness, honesty, realism and responsibility are qualities which should guide it in the field of fiscal matters in the future.

Since we are caught with the situation as it is, I hope that when the next budget is presented, that in so far as estimates, revenues and assurances are concerned for the financing of government we will see more frankness and responsibility on the part of this administration.

Hon. George S. White: Mr. Speaker, I have three or four simple questions that I would like to ask either the honourable senator who introduced the bill (Hon. Mr. Langlois) or the Leader of the Government (Hon. Mr. Martin).

Would you please tell me where I would find information as to the expenditures in connection with the military force in Cyprus? When this force was formed in February or March 1964, was any arrangement made before the force left Canada as to who would pay for it, or did Canada agree at the start to pay all expenses in connection with this force, which at that time was to be in Cyprus for a matter of three months?

Hon. Mr. Langlois: Honourable senators, probably I should have said in my opening remarks that this bill was brought to my attention only last evening, at which time I was asked to sponsor it. During the intervening hours I have done my best to obtain all information pertaining to it. Also, I intended to say at the outset that if I did not have all the information required to answer questions I would consider the questions as notices and provide the answers either later in the day or at some future time, depending upon the availability of information. Unfortunately, I do not have the information which is sought by my honourable friend, Senator White. I

will try to get it right away so that I can answer his question later today, if possible.

Hon. Paul Martin: Honourable senators, I am sure we were all impressed with the efficient way in which Senator Langlois introduced this matter. He might look up the exact reference, where the expenditure is to be located. It would likely be under the National Defence item. However, perhaps I may deal directly with the question.

It is a fact that when the Cyprus force was established in March 1964 the United Nations was not in possession of sufficient funds to implement the decision of the Security Council to establish the force in Cyprus. It was felt by Canada, and this was approved by both Houses of Parliament, that notwithstanding the inadequacy of financial arrangements at the disposal of the United Nations, this country, dedicated to the principle of peacekeeping, must do everything that it could to see that the dangerous situation on the Mediterranean flank of NATO did not deteriorate.

When we were asked by the Secretary General of the United Nations to contribute to the United Nations force we said we would. We said that we were prepared to bear our share of the cost of our forces. A voluntary fund was set up, contributed to mainly by the United Kingdom, the United States and West Germany, to assist other countries who did not agree to meet their operating military expenses in Cyprus. This applied to the forces of Ireland, Sweden, Finland and Denmark.

We agreed, as I say, to bear the cost of the operation of our forces. I cannot offhand give what the figures are, but I should think that the total cost contributed by Canada to date would be in the neighbourhood of $14 million. This does not represent a net expenditure, however, because the pay and allowances of Canada's contingent in the United Nations force would have been payable to the personnel of that force wherever they served. We did have other expenses in addition to the normal allocations for pay and allowances. Such additional expenses would include the airlift to transport the forces, and special food and logistics arrangements in Cyprus.

The Government felt at that time that if we did not undertake to bear this responsibility, there would be no peace force in Cyprus. And, if honourable senators will recall the circumstances that attended at that time, I think, it will be admitted that our contribution was a valid and justifiable one. As the person who had the responsibility of recommending this policy to the Government, I can say with conviction and confidence that I am sure that Canada took the right course.

It is regrettable that the United Nations should be without funds for these purposes, but that is the fact. But are we to dodge our responsibilities in respect of peacekeeping simply because certain countries in the United Nations are unwilling to bear their share of the cost, which I think is implicit in the commitment all countries took when they signed the Charter at San Francisco?

Three years ago the Government made known to the United Nations that Canada was not willing to bear certain expenses. Among those was Canada's contribution to the headquarters' staff in Cyprus where Canadian personnel serve. That cost is now met, so far as Canada is concerned, by the voluntary fund. Then we indicated that in order to effect as much saving as possible, and without defeating the purpose of the force, there might be a reduction in the total complement of the force itself. By this I mean the United Nations force made up of the different countries. Parliament authorized that a maximum of 1,200 military personnel could serve in the Cyprus operation, pursuant to the resolution passed. We were able later to reduce our force close to 700 personnel. As a further retrenchment the force is to be reduced again.

I would hope that the statements by Archbishop Makarios made recently in Scandinavia and the talks that are taking place between the foreign ministers of Greece and Turkey augur for the possibility soon of a solution to this problem. This might mean the withdrawal of the force as a whole. But it is a fact that we are the one country which agreed to assume the major portion of its cost of operation. It was an act taken by Canada in support of the concept of peacekeeping. There is no reason to apologize on behalf of the Canadian people and their Government and their Parliament for the decision in a situation which certainly would have deteriorated.

Hon. Mr. White: I thank the honourable Leader for his information. I have a few other matters that I would like to ask him about.

Did I understand him to say that Canada was the only nation supplying troops for the peacekeeping force that paid all its own expenses? Could the honourable Leader tell me if there are any countries which supplied personnel to the peacekeeping force that had

all their expenses paid by the United Nations?

Further, the honourable leader mentioned that there was no fund in 1963 or 1964 out of which these expenses could have been paid, but that there was what he called the voluntary fund. Now, has there been no effort by the United Nations since 1963 to put this peacekeeping operation, and others of the kind, on some better basis than merely a voluntary fund?

Hon. Mr. Martin: With regard to the first question, it is a fact that we are the only country that has paid its way. The other countries received assistance, not from the United Nations as such but from a voluntary fund, the contributors to which I have already mentioned.

I should add that the voluntary fund has been replenished year by year. This year, however, the fund is at a low level. The Secretary-General, I think on Monday last, announced in New York that the fund had reached a disproportionate level, and on that account apart altogether from whether or not a final solution to the situation in Cyprus is to be realized, the force would have to be withdrawn because there was insufficient funds. In that way he was probably directing an appeal to the contributors, notably the United States, Great Britain and West Germany.

It is a fact that at this time the United Nations is not in funds to enable it to meet the Cyprus peacekeeping operation. The reason for this arises out of the difference of opinion which prevails between the Soviet Union on the one hand and certain Western powers on the other regarding the obligations of members of the organization to contribute to an accepted scale of payments for the Cyprus operation.

The Soviet Union contends that the General Assembly of the United Nations has no authority to establish a United Nations police force; it argues that only the Security Council, of which it is one of the permanent members, has the authority to establish such a force. Canada, the United States, Britain and other countries take the position that the primary responsibility for the establishment of a force rests with the Security Council, but that in the absence of action by the Security Council the General Assembly has a residual authority. Because of this difference the Soviet Union, certain of the unaligned nations, and most of the communist block in the United Nations, have refused to make contributions to the funds of the United Nations for carrying out these operations. It is regrettable, but that is the fact.

If a peacekeeping operation were required tomorrow in Asia, for example, and the United Nations were called upon to supply a peacekeeping force, there are no funds available for that purpose. Some *ad hoc* arrangements would have to be made. It is because of this situation that Canada decided, having regard to the role it is playing in these matters, that she must take the initiative, which she did take on her own.

I do not know exactly what the total of our contributions would amount to at this stage, but it must be in the area of $20 million. At any rate, it has been a heavy expenditure, but I would think that this kind of expenditure would be supported by the Canadian people, particularly having in mind that as a result we may have restrained the possibility of a serious conflict.

Hon. Mr. White: The Government Leader has referred to the statement by U Thant. I have here a clipping from the Montreal *Gazette* of Monday last, in which he states that the deficit on the Cyprus operation is approximately $13,586,000. Then he goes on to say that the force might have to be recalled. It would be rather interesting to know what the various countries are doing to make up that deficit.

I would also like to ask the honourable the Leader of the Government if his attention has been drawn to an article which appeared in the Toronto *Globe Magazine* of December 10, 1966, which is a review of a book written by a native of Sweden, Major-General Carl Von Horn.

Hon. Mr. Martin: Yes.

Hon. Mr. White: This is a most biting and bitter attack on the United Nations and on how the operation of peacekeeping forces is being carried out. I would not think that an attack of this nature could be lightly brushed aside. It was written by a distinguished soldier who took over from our own Major-General Burns in Egypt and Israel. He also served on various other peacekeeping forces. While I would hesitate to put on the record of this house the actual words he has used in describing the civilians in the United Nations, who have nothing to do with the peacekeeping force, nevertheless, I for one would be much interested in having the comment of the leader on this article, and in learning whether or not his views agree with the remarks and

criticisms that this soldier makes, and, further, whether he knows if there is any foundation for them.

Hon. Mr. Martin: I know General Von Horn well. I agree he is a distinguished soldier. He was in charge of the United Nations operation known as UNTSO, which operated with headquarters in the old Allenby Building in Jerusalem. He was selected by the Secretary-General of the United Nations to take over the operation of the peace force in the Yemen to which Yugoslavia and Canada were the main contributors.

I have seen what he has written about this and other peacekeeping operations. However, I am not a soldier and I have no right to pit my judgment against his in that particular sphere, but I do know something about peacekeeping operations. I know of such operations in the Yemen, in Palestine and UNTSO. I cannot agree with the general's conclusions. I simply advise honourable senators that I have had occasion to consult with officials at the United Nations, with the Indian general who was formerly in charge of the United Nations emergency forces and with our own General Burns, who was the first commander of the United Nations Emergency Force in Sinai, and as a result I note that they do not agree with the general observations of General Von Horn. He was relieved of his command of the observation forces in the Yemen.

Hon. Mr. White: It says here that he resigned.

Hon. Mr. Martin: He did resign.

Hon. Mr. White: Because of ill health.

Hon. Mr. Martin: Well, that is a generous way of putting it. It was a situation where there was a disagreement between him and the Secretary-General. Nevertheless that view of his stands, and alongside it stands the view of some of his military contemporaries who disagree with him.

These peacekeeping operations are *ad hoc* arrangements. Anyone who has read General Burns' book knows how difficult it was to form the United Nations Emergency force, with different languages, different logistic arrangements, and different scales of pay and allowances. These were all conditions that would stand in the way of an absolutely efficient functioning of a peacekeeping force. However, I think the judgment would be that notwithstanding what General Von Horn has said or written, it is the general view that these operations have performed a remarkable service under very difficult circumstances. They are the foundation, surely, of what we hope ultimately will come through the United Nations, the establishment of the rule of law in the international community. This united peace force operation is the sanction provided by the international community for the effectiveness and supremacy of that law which we wish to see established. It may be a long way off; we are in the pioneering stage, but I think it is a worthy effort.

Hon. Mr. White: Would the honourable Leader of the Government care to say whether, after this article was published in *The Globe Magazine*, there was any official investigation of any kind at all by the United Nations into some of these charges?

The honourable leader has said that he is not a soldier, and perhaps he does not understand army language, but here is one short sentence I think anyone can understand. This is a quotation from the General:

> A good number of U.N. officials were there primarily to make money through many kinds of shady deals, smuggling, black-marketeering, espionage, corruption.

Surely, a statement like that would call for some investigation, when made against so many people at headquarters? What I have just read is more or less mild compared to other charges and accusations that he makes. It seems to me that those charges were so serious, coming from a man with his experience and military standing, that they should not have been just brushed aside. The Leader of the Government has admitted that this country has spent somewhere between $13 million and $15 million paying for our troops there, and if it is true that these things were going on, something should be done about it?

I have one final question I wish to ask the honourable leader. As Canada is paying the entire cost of her own troops, I presume that means that any claims for pensions or compensation, if an individual is injured or killed, will be paid for all future time by the Canadian Government.

I would be glad if the honourable leader would comment further. Would he care to state whether or not, in his opinion, he feels that the officials at the United Nations should have taken more notice and made some investigation of these charges?

Hon. Mr. Martin: I can assure the honourable senator, who is rendering an important

service in bringing these matters to our attention, that the moment this book was issued—and it was preceded by a press statement by General van Horn—we did communicate with the United Nations—I spoke to the Secretary General myself about it, and the greatest of care was taken in examining the charges, all of which, I can assure my honourable friend, were not supported by the facts.

Hon. Mr. White: How were the charges investigated?

Hon. Mr. Martin: They were investigated by the Secretariat, under Mr. Ralph Bunche, who, as my honourable friend knows, has had a long and distinguished career at the United Nations, for which he won the Nobel Peace Prize. With regard to the charges of smuggling by nationals of certain of the contributing forces, it is true that there was this kind of operation on the part of some individuals.

Hon. Mr. White: He is not referring to soldiers; he is referring to civilians. His article gives the greatest praise to the troops of all the countries. He makes no charge against any soldier, but is referring one hundred per cent to the United Nations' civilian officials.

Hon. Mr. Martin: These charges were investigated, and it was found that there was no basis in fact for them. It went on to say that there were also charges, some of which were justified, against the conduct of particular individuals in the military forces. I am happy to say that, to the best of my knowledge, this does not in any way apply to Canadian personnel.

Hon. Mr. White: Would the honourable leader know if anyone took any legal action against the man who wrote this book?

Hon. Mr. Martin: I cannot say whether any legal action has been taken. I suppose the only way would be by resort to the courts in the particular country.

Hon. M. Grattan O'Leary: In view of the honourable leader's admission that so far as peacekeeping operations are concerned the United Nations is bankrupt, and in view of the Secretary General's statement this week that bankruptcy is likely to continue or grow worse, do we, the Government of Canada, propose to keep our troops in Cyprus at a cost of more than $3,500,000, as it was last year? Do we propose keeping them there, paying for them ourselves, and perpetuating the fraud that this is a United Nations' operation?

Hon. Mr. Martin: I will not, in any sense, agree with the last observation of the distinguished honourable senator. The Security Council renews the force for a period of three or six months. The present term will expire, I think, on December 26 this year. If there is no solution to the situation in Cyprus, my judgment would be that the Security Council will recommend a three- or six-month renewal of the force.

The policy of the Canadian Government will be, in the event of such a decision by the Council, to decide, as it has decided on each occasion, whether or not it should renew the mandate for further Canadian participation.

I said earlier that I was hopeful that we were nearer a solution now to the situation in Cyprus than at any time since March, 1963. In any event, there will be reductions in the force. We are approaching the stage when I would hope that the operation there could be, not para-military, but possibly more in the nature of some policing action, which would require a minimum number of soldiers or policemen.

The situation is not satisfactory. It is not Canada's fault, it is not the fault of any western power, that the United Nations is not in funds. It is due to a serious constitutional argument between the Soviet Union on the one hand, and the western powers on the other, as to the rights of the General Assembly in the matter of the establishment of peacekeeping forces. But I have no hesitation in saying—and I believe I speak for the Government in this—that it would be far better for a country like Canada, and other countries, to expend such amounts out of their treasury in the pursuit of the objective of maintaining peace in a particular area, than later, as a result of an expansion of conflict in that area, to be called upon to spend amounts of money far beyond the relatively trifling amounts which Canada and these other countries are now spending on behalf of the maintenance of peace.

We have participated in every peacekeeping operation of the United Nations—in India, in Kashmir, in Lebanon, and in the Sinai Desert, to mention a number of situations.

In addition, we have for over 11 years served on difficult assignments on the International Control Commission in Vietnam, Laos and Cambodia. This represents a contribution by this country to the pursuit of peace. It deserves our continuing support.

There would be no hope, none whatsoever, for a contribution in this field if it had not been for the lead taken by the Scandinavian countries and by Canada. As a result of what we have done, we are laying the foundation for what some day will, I am sure, become a real United Nations force designed to maintain peace and order. Of course it costs money. It is regrettable that other nations are not bearing their share of the burden. However, that does not excuse a country like ours, with our convictions, our traditions, and our record of support for the United Nations. That is the policy of the Government of Canada.

Hon. Mr. White: The honourable Leader of the Government mentioned a long list of countries to which Canada has supplied a peacekeeping force. I should like to ask if the payments for those forces were on the same basis as the payment for the force that is in Cyprus, or were the total expenses paid by the United Nations.

Hon. Mr. Martin: No. The Cyprus force was the only one in respect of which we had to pay our own share. With respect to the United Nations Emergency Force there was a general scale of contributions accepted by the Soviet Union and most other countries. The same applies to Kashmir, to UNTSO, and to the United Nations observation group in Lebanon. Cyprus was the only case where this problem arose. But, as I said a moment ago, if the war in Vietnam ended and a force was set up, and if the nations did not agree to accept a common financial responsibility, we would be faced again with that same situation.

Hon. Mr. Hollett: Honourable senators, would the honourable Leader of the Government say to what extent Canada is involved in the Vietnam conflict. He mentioned Vietnam, and I should like to know what interest we have there.

Hon. Mr. Martin: We are not, of course, in any way a combatant. We accepted in 1954 an assignment that was given us by a number of countries known as the Geneva powers—the great powers, and several others. We accepted this assignment, with India and Poland, to act in the three old Indo-China countries of Cambodia, Laos, and Vietnam, as a Commission to effect a cease-fire, and would report on any violation of what are known as the Geneva Accords signed in 1954. We have served on this Commission during all these years. The costs of that Commission are paid essentially by the Geneva Powers.

I might say that it has been a very difficult and frustrating experience for all members of the Commission. I continue to believe that the Commission, while its functions have been circumscribed, particularly during the intensification of the war, has been a necessary vehicle. It may yet have an opportunity to serve even more solidly in the processes that are under way to bring about a peace.

Hon. Arthur W. Roebuck: Honourable senators, I should like to be permitted to say a word or two. I have no intention of taking part in the discussion with respect to the Cyprus force, beyond saying that the sending of that force to Cyprus constituted a high-minded action on our part, whether it was wise or unwise, or in whatever way we may look back upon it today.

When we sent those men abroad we knew that we were taking some risks with their lives, and that we were certainly engaging in a very great expenditure, but we did it from the most high-minded of motives. There should be no recrimination now directed towards anyone who took part in that decision, and, like the honourable Leader of the Government, I look upon it with a certain degree of pride.

On the other hand, I have objected, whenever we have had such matters before us, to our attempting to police the world. The United States has been trying to do that, and has not been very successful. We must be careful not to become involved in wars between the quarrelsome people of Europe and Asia.

There are two phases to be considered. One is the financial phase, and the other is the human phase. I am not so concerned about the money that we have expended, although it is very considerable, or the amount we may have to spend in the future. What concerns me is the sending of our young men abroad, as we have been doing since 1963 or 1964, away from their families, unless their families follow them, and away from the communities in which they should be taking their part. I am delighted to hear the honourable Leader of the Government remark that he hopes, and even expects, an early termination of this Cyprus matter. We brought home a quite considerable number of men recently, and I look forward to our bringing them all home—every one of them—and of our avoiding any possibility of becoming involved in the disreputable conffict between Turkey and Greece. This is not our affair. Usually, the

best-intentioned interference between belligerents leads to no good, and will only get us into a great deal of trouble.

I want to express my satisfaction at hearing the suggestion that our men will soon be coming home, to raise families, I hope, and to play their part as citizens of Canada.

There is another comment I wish to make. I am sure that I voice the opinions of all my colleagues when I say that this chamber is fortunate in having, as the Leader of the Government, Senator Martin, with his very wide personal knowledge of foreign affairs and parliamentary procedures. The rapidity with which our new leader has caught the spirit of this hive is remarkable. He plays his part with skill and ability in our debates, the character of which is so different from those in the other place. He is a real addition to our fighting force. I am amazed at his offhand and personal knowledge of these complicated matters upon which he has been questioned. I am sure I speak for all honourable senators when I say that the work of this chamber has been greatly enhanced by our new member.

Hon. Allister Grosart: Honourable senators, over the last few years we have developed a procedure that has been regarded by most honourable senators as a useful attempt to discharge the responsibilities that the honourable Leader of the Opposition (Hon. Mr. Flynn) spoke of in respect of appropriation bills and other bills calling for the expenditure of public funds. That procedure is the reference of such bills to the Standing Committee on Finance under the chairmanship of Senator Leonard, and later under the honourable senator who is now the honourable the Speaker.

We developed a method of dealing with financial matters that enabled us to say that we had done a reasonable job in scrutinizing the suggested expenditures put before us. But we are in a position today where we are being asked to pass a bill calling for the expenditure of about $3,700,000,000, without giving it any scrutiny whatever. We have spent some time discussing one item which represents $3 million, which is less than one-tenth of one per cent of the total amount we are asked to approve.

I do not know what urgency there is in passing this bill. I hope we are not going to be asked to dispose of it today, and that the Leader of the Government will tell us if there are compelling reasons why we must dispose of it today. We were told on one occasion not long ago that if we did not pass a certain bill the Public Service employees would not be paid. I accepted that statement at that time, but later I found out that it was an exaggeration of the truth, if it was the truth at all. I would, however, like the assurance of the Leader of the Government (Hon. Mr. Martin) that under the circumstances, if such be the case, we are now in a position where we must reverse these procedures we have built up and deal with this very large amount of money without referring it to our own Finance Committee. Perhaps he would also tell us what the plans are as to the meeting of that Committee.

The bill was tabled yesterday and it is before us today. In the past when this kind of objection has been raised we have been told, "This is just an interim supply bill, and is not terribly important; we deal with all this in the main Estimates." Such a statement has been made by former leaders of the Government in this house, not the present leader.

I wish to point out that this particular bill is more than just an interim supply bill. It is a bill which amends at least two acts of the statutes of Canada. In two places I find that we are asked to vote moneys, notwithstanding the provisions of some other act. That can only mean that if we assent to this bill we are amending those two acts. I refer to item L35 on page 5, where we were asked to pass a vote, notwithstanding subsection 5 of the Indian Act; and Vote 5 in Schedule B on page 9, where we were asked to pass a vote notwithstanding the Financial Administration Act, that is intended to regularize procedures and make it impossible for this sort of thing to happen.

I hope we are not going to revert to the casual attitude towards this kind of bill, which prevailed at one time in this chamber. I give credit to former leaders of the Government for the fact that we have made progress and I would hope there will be an opportunity to discuss these Estimates fully. We have just concluded a discussion in which an expenditure of $3 million, which is less than one tenth of one percent of the $3.7 billion we are asked to approve, has occupied an hour of our time.

There are many things in this bill and in the revised Estimates, to which the bill refers, that require scrutiny, and I believe there are questions that should be asked that have not been asked in the other place. I hope that an opportunity to do so will be given. It is not an ordinary situation. We are faced, not with the usual main Estimates, but with revised main Estimates and we are asked to look back and in a three-month

interim supply bill and re-pass nine months of Estimates. To me it is an extraordinary piece of financial legerdemain. It is perhaps necessary, but so often these breaches of procedures that have been built up over the years to protect the public interest are excused by the government on the grounds of expediency. It has been said over and over again, that whenever a democratic right, protected by a procedure, has been breached, the excuse has been expediency.

I would hope that the Leader of the Government will give us some assurance that this chamber and its committees will be given adequate time to consider this bill and the document on which it is based.

Hon. Leopold Langlois: Honourable senators—

The Hon. the Speaker: I would remind honourable senators that if the mover of the bill speaks now, it will have the effect of closing the debate.

Hon. Edgar Fournier: Honourable senators, before we close the debate I was hoping you would discuss this bill item by item, but this is not so. I would like to ask a question on Vote 60 which refers to the Atomic Energy Control Board. The vote reads:

> Grants for researches and investigations with respect to atomic energy.

Does that include the general operation at Chalk River? I refer to Vote 60 page 4, on the first item in the schedule.

Hon. Mr. Langlois: That is Schedule A?

Hon. Mr. Fournier (Madawaska-Restigouche): Yes. It reads:

> Grants for researches and investigations with respect to atomic energy...$3,920,000.

Does that include part of the general administration of the Chalk River plant?

Hon. Mr. Langlois: This vote calls for grants for researches and investigations with respect to Atomic Energy, and the amount is $3,920,000. This vote provides for the payments of grants to universities carrying out research and investigations with respect to atomic energy. Additional proportions are required to enable the board to pay up to 90 per cent of the grants during early October, as is normally done.

Hon. Mr. Fournier (Madawaska-Restigouche): Then it does not include the general operations of the Chalk River plant?

Hon. Mr. Langlois: No.

Hon. Mr. Fournier (Madawaska-Restigouche): I have a question on Vote 30, the Royal Canadian Mint. I read the last line:

> ...approved by the Treasury Board to owners of coin vending machines or their agents in respect of the purchase or modification of coin selectors.

Is the full amount of $2,567,300 for repayment for the adjustment of machines to the people in the coin vending business?

Hon. Mr. Langlois: The explanation is:

> Administration, Operation and Maintenance and to authorize, notwithstanding Section 17(2) of the Currency Mint and Exchange Fund Act, the payment, out of revenues received by the Royal Canadian Mint from the issue of coins of compensation on terms and conditions approved by the Treasury Board to owners of coin vending machines or their agents in respect of the purchase or modification of coin selectors.

This vote provides for the salaries and general expenses of the Royal Canadian Mint. Additional proportions are required to cover the cost of salaries for casual employees and express charges incurred due to the increased production of coinage needed for replacement of Canadian silver coinage.

Hon. Mr. Fournier (Madawaska-Restigouche): Honourable senators, if I understand this correctly, it is the amount paid to these people using the vending machines, such as the Coke and Pepsi-Cola people, who had to make a major change in their machines on account of the change in the coinage.

Hon. Mr. Langlois: There would be compensation to owners of vending machines on certain terms and conditions approved by the Treasury Board.

Hon. Mr. Fournier (Madawaska-Restigouche): I do not think the honourable senator has answered my question. I want to know the exact amount to be paid to the vendors as a grant in regard to damage to or replacement of the old machines.

Hon. Mr. Langlois: I do not have that information, but I should get it in a few moments.

Hon. Mr. Fournier (Madawaska-Restigouche): On Vote 30 harbours and river services, does the honourable senator know if there are any services included in that to make or carry on further studies of the Prince Edward Island Causeway?

Hon. Mr. Langlois: This vote provides for the acquisition or construction of new harbour works, major repairs or alterations to existing works, capital remedial works, capital dredging, etc. Additional proportions are required to cover the cost of completion of several major projects commenced in the last fiscal year—Belledune, Matane and Gros Cacouna—as well as to provide for peak expenditures which are incurred during the summer months when most of the construction work is carried out.

Hon. Mr. Fournier (Madawaska-Restigouche): On page 5, Schedule A, Vote 25—this question is similar to my first on Vote 30,—scholarships and grants in aid of research, $59 million—National Research Council. Does that include the general administration of the National Research Council?

Hon. Mr. Langlois: In regard to Vote 25—scholarships and grants in aid of research—this vote provides for the payment of scholarships and grants to assist in research. Additional proportions are required to enable the Council to pay up to 90 per cent of the grants during early October.

Hon. Mr. Fournier (Madawaska-Restigouche): In regard to Vote 20, page 7, grants to the Town of Oromocto, $2 million—who owns the town of Oromocto?

Hon. Mr. Langlois: It is a military town.

Hon. Mr. Fournier (Madawaska-Restigouche): Thank you.

Hon. Mr. Hollett: May I ask the sponsor of the bill a question?

On Vote 15—payments to the Canadian National Railway Company, upon applications approved by the Minister of Transport made by the company to the Minister of Finance, to be applied by the company in payment of the deficits—could the honourable Senator Langlois give me an idea of the amount of deficits arising out of the operation of the Canadian National Railway passenger service in Newfoundland, which I believe it is the intention of the Government to abandon? Could we have the amount of the deficits incurred on the passenger service by the C.N.R. in Newfoundland?

Hon. Mr. Langlois: I regret I have not the precise information, but I will get it soon and will answer the question.

Motion agreed to and bill read second time.

MOTION FOR THIRD READING—POINT OF ORDER

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Martin: With leave, now.

Hon. Mr. Grosart: Honourable senators, on a point of order: I had put a specific question to the Leader of the Government in regard to procedure. Perhaps I should apologize to the sponsor of the bill for not having directed the question to him. I directed it to the Leader of the Government, because it dealt with procedure of the Senate as a whole and not specifically with the presentation by the sponsor of the bill. I suggest that before the bill is called for third reading, my question should be answered.

Hon. Mr. Martin: I would like to be clear as to what Order we are on at the moment.

The Hon. the Speaker: Honourable senators, the bill has been given second reading. I have asked if third reading should take place now.

Hon. Mr. Martin: Yes.

The Hon. the Speaker: With due respect to honourable Senator Grosart, I am of the opinion that the point he has raised could not have been raised on second reading, when we were discussing the principle of the bill, but that he has a perfect right to raise this point of order at this time.

Hon. Mr. Grosart: Certainly I will not quarrel with Your Honour's ruling.

Hon. Mr. Martin: I do not quite understand. This is because I do not happen to be familiar with our procedures. Are we dealing now with this bill on third reading?

Hon. Mr. McDonald: No.

Hon. Mr. Flynn: The question has been put by His Honour the Speaker as to whether the Senate is prepared to give leave at this time, and I understand that honourable Senator Grosart has said "no". My interpretation is

that the third reading should take place at the next sitting, if we are to follow the rules.

The Hon. the Speaker: Honourable senators, we are presently on a point of order raised by honourable Senator Grosart.

Hon. Mr. Grosart: Your Honour, may I speak to the point of order? Certainly, I have no quarrel with your ruling.

My interpretation of the situation was that we had a motion before us, in effect, in short form, that we would take the third reading of the bill now. I suggest that that is a motion, because under the rules we cannot deal with any matter unless there is a motion. The word "now" is the short form, I understand, of saying "I move the third reading now."

In the normal course of procedure, where a bill is being referred to a committee, it is at this point that one would have expected the hoonurable sponsor of the bill to say "I move that this bill be referred to a committee." For that reason, I raise my point of order that it is not proper to proceed to third reading when questions are still unanswered.

Hon. Mr. Martin: Certainly, I would tell the honourable senator that I think his question should be answered. All I was seeking to determine was what Order we are on. Familiar as I am with the rules of the other house, and unfamiliar with the rules here, I am seeking the indulgence of honourable senators in asking exactly when I should make a response to the legitimate question the honourable senator has asked. Are we now on third reading?

Some Hon. Senators: No, no.

Hon. Mr. Martin: Or, are we now considering the motion for third reading?

The Hon. the Speaker: If the Leader of the Government would permit me, I shall put the motion, and if there is discussion on the motion, and a point of order, I think it would be appropriate to debate it at that time.

It is moved by the honourable Senator Langlois, seconded by honourable Senator Dessureault, that this bill be now read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Grosart: No.

Hon. Mr. Flynn: On a point of order, may I try to clarify the situation, Mr. Speaker? You were seeking unanimous consent of the Senate to move third reading now, and it is on this very point that the discussion arose. Senator Grosart said he was prepared to give leave, if his question was answered.

Of course the Leader of the Government knows that he can answer a question on third reading, or he can answer it by letter, or he can answer it in committee tomorrow. There are many ways of doing it. But my suggestion is that since Senator Grosart has not given leave—and I was not prepared to do so myself—I do not see why we should give leave at this time for third reading. It could very well take place tomorrow. It seems to me that the bill should be put on the Orders of the Day for third reading tomorrow.

In the meantime the Leader of the Government can ascertain from Senator Grosart whether he wants an answer in this chamber when third reading takes place, or whether he wants an answer by letter. Perhaps at this time we should decide whether he wants this bill to be referred to committee. He can certainly ask the Leader of the Government at this time whether it is the intention to refer the bill to committee.

Hon. Mr. Martin: I think the situation has been clarified. I thank the Leader of the Opposition (Hon. Mr. Flynn) for clarifying it for me. I am sure I was the only one who, for the reasons I gave a moment ago, required clarification.

I have no objection to having third reading tomorrow. I may say that I would hope that we can have Royal Assent to this bill tomorrow. I am prepared to deal now with the question which the honourable Senator Grosart has put. It is a fair question. These are large sums of money. But it should be recalled that the honourable Senator Langlois made it perfectly clear that he was prepared to give the usual undertaking that passing of this bill does not prejudice the rights and privileges of honourable senators to criticize any item in the Estimates when it comes up for consideration. The usual undertaking is given that such rights and privileges will be respected and will not be curtailed or restricted in any way as a result of the passing of this measure.

It has never been, I understand, the custom in this house for an interim supply bill to go to committee. I am advised by the officers of the Senate that this is the case, and the records that I have checked confirm it. Now, it must not be forgotten that what we are dealing with are not only the Estimates but the Revised Estimates. The Revised Estimates

constitute a portion only of the total Estimates. The Estimates themselves were before a committee; they were examined by this house; they were reported on by the then Deputy Leader of the house, who was Chairman of the Finance Committee. So that all the main portion of the Estimates have already been considered by this house in the Finance Committee. There will be a further opportunity, now that the Estimates are going again to a committee—not this bill but the Estimates themselves—for any honourable senator to deal with any of the items that engages his interest and attention.

Hon. Mr. Flynn: May I ask the Leader whether he is prepared to reply to the questions put by Senator Grosart either now, if third reading is moved, or tomorrow before third reading is given. This is the only question that remains. We will see whether it satisfies Senator Grosart or not. If it does, we will have no further problem.

Hon. Mr. Martin: I appreciate that. I thought I was answering the question which concerned Senator Grosart. "Why should we," he said, "pass these Estimates without first having the opportunity to examine them?" My reply to that is, "But you have had that opportunity with regard to the substantial portion of them." They were considered and reported in this house last March by the then Chairman of the Finance Committee, the Deputy Leader of the house.

Hon. Mr. Flynn: I know that.

Hon. Mr. Martin: And those Estimates, together with the Revised Estimates, now will be considered in the appropriate committees where there will be an opportunity to further examine any item of interest.

Hon. Mr. Flynn: The leader is arguing that it may not be necessary to refer the bill to a committee, but that is not the question. The question is whether he is prepared to reply to Senator Grosart at this time.

Hon. Mr. Martin: I say that I have replied. I have said that honourable senators have the right—

Hon. Mr. Flynn: That is not the question. Have you got the answer to the question that Senator Grosart asked?

Hon. Mr. Martin: With the greatest of respect, I think I have given the answer to the question, unless I misunderstood him.

Hon. Mr. Flynn: I thought he wanted to inquire about specific points.

Hon. Mr. Bourget: Let him speak for himself.

Hon. Mr. Flynn: Well, if I do, we will be here until tomorrow, the way we are going.

Hon. Mr. Martin: I assure my honourable friend that I appreciate the helpful spirit in which he is approaching this matter, but I have before me the *Minutes of the Proceedings* for October 1, which provided for the following motion:

> That the Standing Committee on Finance be authorized to examine and report upon the expenditures proposed by the Estimates and the Revised Estimates laid before Parliament for the fiscal year ending 31st March, 1969, in advance of Bills based on the said Estimates and Revised Estimates reaching the Senate;
>
> That the Committee be empowered to send for persons. .

And then follows the usual permission and authority.

Hon. Mr. Flynn: We passed that two days ago. I know that.

Hon. Mr. Martin: And I thought that was an answer to the honourable senator. If I misunderstood him, I will be very glad to have him elucidate his point.

Hon. Mr. Aseltine: That does not mean that he has to wait until the committee decides.

Hon. Mr. Grosart: At this moment, Your Honour, I am not sure whether I am speaking to a motion or a point of order.

Hon. Mr. Flynn: It is a point of order.

Hon. Mr. Martin: You are speaking on a point of order.

Hon. Mr. Grosart: As I have been referred to several times in the crossfire taking place in the more important sections of the house, perhaps I may explain my position.

The major question I asked was: "What is the urgency?" This has not been answered. We have been asked to breach our own rules. Our rules are that we have certain procedures for passing bills, but the sponsor of the bill asks us to set aside our rules. I say that the normal question anybody would ask is, "Why? What is the urgency? What is the

hurry?" I indicated that that was the essence of my question.

I suggest, as the honourable leader on this side has said, that that question has not been answered. I would like the answer. I would like to know why we have to pass this today or tomorrow or a week from now or two weeks from now. This is an essential question. If we are asked to hurry up our affairs here, then I say, "Why are we asked to hurry?" If there is no hurry, then I am going to suggest that there is no reason in the world why these Estimates should not go to the Finance Committee.

The Leader of the Government has said that it is not usual to send interim supply bills to the Finance Committee.

Hon. Mr. Hayden: They have already been there.

Hon. Mr. Grosart: Just a moment. The Leader of the Government has said we have had the main Estimates, but what we are faced with now is a revision of the main Estimates, so I suggest he is begging his own question. You say you have passed the Estimates. Now you come before us and say you are going to revise them, and I say that the revision and the so-called benefits to the public of the revision have been matters of front page propaganda by the Government for months. You are saying, "We are revising them." Well, they are not then the same Estimates that we discussed in the Finance Committee. When you revise Estimates, or when you revise your arithmetic or revise a bill to a customer, you no longer have the same things. Your revised bill to a customer is no longer the same bill.

These are entirely different figures from those which were before us when we discussed the Estimates. The bill itself makes it clear.

I am now asking—and this is the essence of the point I raise—is there any urgency? Are we going to be placed in a position where, for example, public servants are not going to be paid if we do not act immediately? That happened once, completely unnecessarily, owing entirely to the delays and bad management of the Government. If we are faced with that situation, I would like to know it, and I would like to know why. I believe that is my right as a senator discharging my responsibility here. That is why these Estimates are brought here.

Some Hon. Senators: Oh, oh.

Hon. Mr. Grosart: If any other honourable senators feel that I am exaggerating the responsibility of the summons that I received here, then I will not quarrel with them. I am entitled to say that this is the assessment that I intend to make of my responsibility here. If the honourable Whip on the other side feels that he should not take that responsibility, I will not quarrel with him, but I have the right to assert my own sense of responsibility in the matter of a bill such as this one.

I again ask, what is the urgency? If there is no urgency in this matter, why should it not go before the committee so that we can carry on this well established principle of having that kind of examination, because questions have been asked here that would be asked in that committee. We have had questions asked on individual items, so in effect we have gone into committee of the whole without in any way regularizing that procedure. I am merely asking that we return to a procedure that was a credit to the Senate.

Hon. Mr. Martin: I want the honourable senator to appreciate that I fully understand his point of view. He has every right to express himself as his convictions warrant. I am prepared to wait until tomorrow for third reading of this bill. In the meantime my honourable friend will have an opportunity to read what Senator Langlois and I have said.

We have before us a bill which embodies substantially the estimates which have already been studied by this chamber. In addition there are certain revised estimates necessitated because the Government has been operating since March 31 without the benefit of Pariament. The Estimates constituting this bill include, therefore, substantially the old estimates already considered, plus additional ones which are inevitable in the conduct of government.

It is not the intention to refer this bill to a committee; it has never been the practice of the Senate to deal with such a bill in committee, but the Senate is not going to be denied the opportunity of reinvestigating what it has already gone into, together with the Revised Estimates, in the Finance Committee, pursuant to the motion I made the other day and which was accepted by this house.

I think we would make progress if I accepted the suggestion of the Leader of the Opposition and agree to third reading tomorrow.

Hon. Gunnar S. Thorvaldson: Honourable senators, I have been concerned about the question of setting bad precedents in this house. It is my opinion that this whole discussion in the last little while, although stated to be on a point of order, was not in fact on a point of order at all. In my view there is only one question before this house, namely, whether the sponsor of the bill has leave to ask for third reading now. I have not heard Senator Grosart or anyone else as yet say that he has not leave.

Hon. Mr. Grosart: Oh, yes, I have.

Hon. Mr. Thorvaldson: If so, it is merely by inference. Nevertheless, it is the right of any senator to refuse to give leave, and if he does, the matter stops there. That is the position we find ourselves in now. Leave has been refused, and consequently the sponsor of the bill will have to move for third reading tomorrow.

The Hon. the Speaker: Honourable senators have expressed their views, and I now put the question: Is it agreed that this bill be placed on the Orders of the Day for third reading at the next sitting of the Senate?

Hon. Senators: Agreed.

Motion agreed to.

CENSUS AND STATISTICS

MOTION FOR REFERENCE TO COMMITTEE—DEBATE ADJOURNED

Hon. Chesley W. Carter, pursuant to notice moved:

> That a committee of the Senate inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation and recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital and efficient aid to the good government of Canada and the advancement of private business in the public interest.

He said: Honourable senators, I know that it is generally conceded that statistics is a very dry subject and I hope you will bear with me in the remarks that I am about to make, particularly since we have spent the whole afternoon on statistics in the form of an appropriation bill.

I suppose the best way to introduce a subject like this is to start with a definition. I think it was Stephen Leacock or one of our Canadian humorists who when asked to define statistics said that there were three different kinds of lies: ordinary lies, damn lies, and statistics. But the generally accepted definition of statistics is that it is a collection of numerical data relating to matters that are important to the state, matters such as population, tax yield, trade value, internal trade, external trade, mortality from particular diseases, and total mortality from all causes together.

My motion merely asks that we take as complete a look as possible at the whole statistical picture in Canada as far as the collection, compilation and analysis of statistical data is concerned. Having said that, I hasten of course to emphasize that my motion should not be construed in any way as implying criticism of the Dominion Bureau of Statistics, which over the years has built up a tremendous reputation for its performance, and I am sure it is generally regarded as the equal to any in the world. But that does not necessarily mean that improvement is not possible. The Dominion Bureau of Statistics is the federal agency for the collection and compilation of statistics, but it is only one agency among many, because in addition to the Bureau of Statistics, practically every government department collects statistics; provincial governments collect statistics and practically every large enterprise also keeps statistical records.

As I have said, the purpose of my motion is to try to get as complete a picture as possible of the situation using the Dominion Bureau of Statistics as a sort of point of departure.

Statistics have been kept from the very earliest times. We find reference to statistics in the histories of Egypt, China, Greece and Rome. In fact no nation can make progress without some systematic compilation of statistics. The history of Canadian statistics goes back long before Confederation. It goes back to New France in 1666. If we omit the Domesday Book compiled by William the Conqueror, which was a one-shot affair, then the systematic and scientific compilation of statistics in Canada pre-dates Europe by about 90 years, and was about 130 years ahead of our great neighbour to the south.

The first statistics in New France were compiled under the direction of Talon, and dealt with sex, age, marital status and occupation of the colonists at that time. It also contained some information about livestock and agricultural products. Talon's census was repeated on a regular basis 14 times before

the battle of the Plains of Abraham. Prior to Confederation, statistics were compiled in the British North American colonies, but these were mainly registrations of births, marriages and deaths.

In 1848, when Upper and Lower Canada united, the Statistical Act was passed, to provide for a decennial census. Monthly bank statements date back to 1856, while Canadian insurance records date back as far as 1815.

It was not until Confederation that a systematic plan of gathering statistics was initiated. The British North America Act placed the compilation of census and statistics under federal jurisdiction. In 1871 the Dominion Census Act was passed, under which the 1871 census was taken, and the first report of that census contained summaries of the results of all preceding censuses.

In 1876 was passed an act for the regular collection of criminal statistics. In 1885 the General Statistics Act was passed, under which a Statistical Year Book was instituted on an official basis. Previous to that, the year book had been in the form of an almanac of Canada which had been published under private auspices, with official patronage. In 1890 the Labour Statistics Act was passed, but because of the depression which occurred that year this particular act was not very effective.

It was not until the 20th century, really, that the modern era of statistical progress began. In the year 1900 the Canadian Government Department of Labour set up a new series of records of information not hitherto collected. In 1905 the Census Office was placed on a permanent basis, and the Census Act, the General Statistics Act and the Criminal Statistics Act were consolidated into a single statute.

In 1912 Sir George Foster, who at that time was Minister of Trade and Commerce, set up a departmental commission to inquire into the statistical situation in Canada, in a somewhat similar manner to that proposed in my motion. As a result of this inquiry under the direction of the Honourable Sir George Foster, a Domion Statistician was appointed in 1915, and in 1918 there was created a Central Statistical Office which we know today as the Dominion Bureau of Statistics.

Between 1915 and 1942 the Dominion Statistician made much progress in co-ordinating the statistical activities of the provinces with those of the dominion, to avoid overlapping. During World War II, statistical services were greatly enlarged so as to meet post-war needs. Governments were taking on new functions and responsibilities, such as responsibility for employment, social security and health and welfare programs. This new statistical data was needed for policy making and planning, as well as for the execution of programs. In addition, there was the growth and diversity of industry, which also gave rise to new statistical needs. Further, there was the requirement for statistical information for the United Nations, to assist the activities of its agencies.

Our present act, which is the general Statistics Act, was last revised in 1952-53, and many changes have taken place in Canada since then. For example, in 1952 our population was 14 million; it is nearly 21 million today. In 1952 our Gross National Product was a little under $24 billion; today it is over $62 billion. External trade in 1952 was at a monthly average of $694 million. In 1967 the monthly average was $1,857 million, and the monthly average for January to June of this year was well over $2 billion. In 1952 the public debt was $17 billion. It was well over $30 billion in 1967. The interest on the public debt in 1952 was $432 million, and in 1967 it was $1¼ billion. The indications are that this year it will reach $1.4 billion.

In 1952 our public school enrolment was 2½ million pupils. The most up-to-date figure I have been able to obtain is for 1964-65, when the school enrolment was five million—double. The universities had 80,000 undergraduate students in 1952. The latest figure I have been able to get is for 1965-66, a total of 206,000; and I presume that today it would be about 250,000—well over three times as great. I tried to obtain some comparative figures on crime, but the latest I could find, in the Year Book for 1967, were only up to 1964.

I mention these comparisons to show what tremendous changes have taken place since the Statistics Act was last revised. We have moved into the space age; we have automation and cybernetics. In 1952 we had barely entered the industrial age, and in 1968 we are in what is being termed the post-industrial age. It is a totally different world, with totally different problems, and a totally different Canada with problems that are different not only in variety but in magnitude—a nation and a world with different goals and different concepts.

This brings us to the question as to what extent we have been able to keep abreast of the times and abreast of these changes with

regard to statistical information. How adequate are our resources—human, physical, and financial—to meet the needs of this new post-industrial era? What changes in priority and in policy should be made? For example, the last government committed itself to a war on poverty, and the present Government is carrying that forward into a commitment to regional development. What statistical information is required to evolve a policy of regional development? What statistical data is required for the planning and execution of programs of regional development? What statistical information is required to evolve yardsticks for the measuring of the effectiveness of rural and regional development programs?

That brings us to the second question, which is: How much of this information is available now, how much is missing, and how best can this gap be filled?

Then, there is the statistical information which is being gathered by nearly every federal Government department, by provincial governments, by industry, and by the universities. To what extent is this information being exchanged? To what extent is it being correlated and integrated? What more can be done to improve its integration and correlation?

We need to know also of the gaps that still exist in the information being gathered by so many different agencies, and how these gaps can best be filled. Can they best be filled by further Government agencies, or is it possible for some of them to be filled by private agencies? What are our present priorities? What are the priorities in the present policy of D.B.S.? What are their limitations? We know they are limited by the framework of the act within which they operate, and they are possibly limited by shortages of staff and equipment, and in other ways. I think we need to know how meaningful are our present statistics. Numerical data is based upon definitions, and definitions in turn are based on concepts.

Hon. Mr. Everett: Would the honourable senator permit a question? Does D.B.S. feel it is under a limitation imposed by the act in respect to obtaining the data information required by the modern economy?

Hon. Mr. Carter: I cannot answer that question outright, but I do know that D.B.S. is limited at the present time in the amount and kind of information it can make available to private industry from government, and to government from private industry. It has the information in its records, but in some cases there is information from industry that governments cannot use, and in other cases there is government information which industry cannot use. That is one limitation, but I cannot answer as to how it is limited in the way of staff, and so on. I have the impression that the Government has been fairly generous in meeting increases in expenditure that have been required, but D.B.S. may be limited as to staff. However, I have no personal knowledge of that.

As I said, definitions are based on concepts, but as our knowledge increases our concepts change, and that brings us to the question of how valid are the present concepts and definitions on which our present information is based, and what changes are desirable?

I seem to remember, when I was a member of the Special Joint Committee on Consumer Credit, that we were discussing a number of vegetable products, and a question came up about tomatoes. Apparently, if you buy tomatoes loose in a grocery store they are classified as vegetables, but if you buy them in a tin they are classified as fruits. It can be seen what can be done to statistical records if there are not precise definitions. What happens if one department is operating under one definition, and another department is operating under a different definition?

All Government policy, and policy changes, depend upon sound statistical data. In rapidly changing times there must be a constant evolution of policy to meet changing conditions. In these days the Government cannot wait until the results are apparent. The Government must anticipate results, and to anticipate results it must have very up to date and accurate information on prevailing trends.

For example, inflation constitutes one of our biggest problems today, but it is already too late to act when inflation has become rampant. What needs to be done is to anticipate inflation, and to have the statistical information by which it can be ascertained where inflation is beginning to break out, and in what sectors of the economy, so that preventive rather than remedial measures can be taken.

Honourable senators may remember that about two years ago prices began to soar drastically. Housewives were up in arms. They were boycotting supermarkets, and there was a general outcry for government to take some sort of action to cut down on inflation. The joint committee to which I referred earlier was set up, and evidence was brought before that committee—and it is in the record for anybody who wants to look it

up—that although prices had jumped drastically in September the economy of Canada had actually started on a down turn as far back as the previous June. So, there is this tremendous time lag.

We learned also that the statistics available to government on these kinds of trends are about six months out of date, while in the United States the time lag is about six weeks. In view of the seriousness of inflation I think it is worth while to investigate this problem in order to see if something can be done to reduce the present time lag of about six months.

I mentioned earlier the time lag in education. The latest information in the *Canada Year Book* is that of 1965. It is three years late. Having regard to the importance of education today, and the amount of money that is being spent on it, it is my view that we need more up-to-date information than that which is available. The same can be said of crime statistics. With the use of computers, this should be possible.

Having gathered the statistics, the next point that needs to be considered is statistical analysis and interpretation. I should like to know how D.B.S. analyzes statistical data, and how much analysis is done by its own staff, by Government departments or Government agencies, and by others, and what are the priorities. We should inquire also as to how statistical analysis can be speeded up and improved.

I mentioned earlier that we are now living in an age of computers, and it seems to me that the time has come when a government should have a computer policy. What is the best way to make use of computers? What computers are available now? What is the capacity of these computers? We are now getting into second and third generation computers which have tremendous capacity, undreamed of a couple of years ago. What arrangements exist with other computer-owning bodies; for example, government departments, universities and industry? I should also like to know what happens in D.B.S. when one of their computers breaks down. What alternate arrangements exist?

Finally, I think it would be useful if Canada could get some idea as to what other countries, comparable to Canada, are doing in the field of statistics. Statistics are basic to our modern life and there can be no progress at all without them. It has been 15 years since our Statistics Act was last revised and I understand the next revision could be within the next 12 months, and it will probably set the framework for another five or ten years and possibly longer. It is my opinion that it would be wise to use this time to pick the brains of as many people as possible, particularly people who are knowledgeable in collecting, compiling and analysing statistical data. We should use the time to get as many fresh ideas as possible from professors, economists, statisticians and men in business and industry, as well as from governments who also deal in statistical information.

I conclude by emphasizing what I said at the outset, that this motion is in no way aimed at the Dominion Bureau of Statistics, but rather it aims to take a look at the entire statistical picture in Canada, using D.B.S. as a point of departure for such an investigation. We need to look at the framework in which D.B.S. operates, look at its duties, its responsibilities and the resources at its command for discharging these duties and responsibilities. I think we should also try to see what changes may be desirable in those duties and responsibilities in the light of present-day realities. For example, what responsibilities need to be enlarged? What responsibilities probably could be curtailed because facilities exist in industry or in universities that are capable of doing the job quicker and better?

These are some of the questions in my mind which prompted me to put my motion on the Order Paper, and I hope that you will see fit to support it. Should the investigation prove that everything is perfect and nothing need be done, even then the committee will have served a useful purpose in establishing that fact. I therefore request your support for the motion which I have just moved.

On motion of Honourable Mr. Everett, debate adjourned.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 52 to 147, inclusive, and moved that the said reports be taken into consideration.

Motion agreed to.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 49, for the relief of Bonita (Bonnie) Mary Barrett Romano.

Resolution 50, for the relief of Marjorie Ann Herman Rothstein.

Resolution 51, for the relief of Irene Mary Barbara Wojciechowski Riis-Christensen.

Resolution 52, for the relief of Barbara Gail Mauchan Tahamont.

Resolution 53, for the relief of Joseph Paul Arthur Robert Kellenny, otherwise known as Joseph Paul Arthur Robert Kellemy.

Resolution 54, for the relief of Hertel Dubois.

Resolution 55, for the relief of Fernand Gosselin.

Resolution 56, for the relief of Mary Margaret Fraser MacDonald.

Resolution 57, for the relief of Roland Quintal.

Resolution 58, for the relief of Marielle Maynard Saulnier.

Resolution 59, for the relief of Joseph Michel Jacques Arthur Trudeau.

Resolution 60, for the relief of Leila (Lilah) Levy Leon.

Resolution 61, for the relief of Barbara Lapin Rudberg.

Resolution 62, for the relief of Marie Blanche Fleurette Gariepy Larocque.

Resolution 63, for the relief of Claire Boyer Marcotte.

Resolution 64, for the relief of Norma Helen Morrison Lidbetter.

Resolution 65, for the relief of Jeannine Lazure Poirier.

Resolution 66, for the relief of Robert Harris.

Resolution 67, for the relief of Gloria Readman Cholette.

Resolution 68, for the relief of Rita Fishman Sherman.

Resolution 69, for the relief of Marie Pauline Lise Pepin Riendeau.

Resolution 70, for the relief of Daniel Cusin.

Resolution 71, for the relief of Jean Boisclair.

Resolution 72, for the relief of Jean Claude Lorange.

Resolution 73, for the relief of Pierre Campeau.

Resolution 74, for the relief of Robert Voyer.

Resolution 75, for the relief of Marie Therese Paquerette Plante Bourassa.

Resolution 76, for the relief of Joseph Alfred Auguste Pierre Lepine.

Resolution 77, for the relief of Marcel Courtemanche.

Resolution 78, for the relief of Joseph Bazil Francis Alphonse Collins.

Resolution 79, for the relief of Riva Canell Lemcovitch.

Resolution 80, for the relief of Elizabeth Rowe Stalk.

Resolution 81, for the relief of Maria Libra (Marlene) Di Staulo Choquette.

Resolution 82, for the relief of Paul Emile Poulin.

Resolution 83, for the relief of Abraham Cheszes.

Resolution 84, for the relief of Diane Gauron Verdy.

Resolution 85, for the relief of Andree Gosselin de Margerie.

Resolution 86, for the relief of Annie Shaw Young Goudie Corcoran Hughes.

Resolution 87, for the relief of Lawrence Everett Mitchell.

Resolution 88, for the relief of Paul Emile Leblanc.

Resolution 89, for the relief of Carol Shannon Menzies.

Resolution 90, for the relief of Charlotte Gagnon Beauchesne.

Resolution 91, for the relief of Rachel Shtul Setton (Seton) Feifer.

Resolution 92, for the relief of Mary Jean Hogan Grosvenor.

Resolution 93, for the relief of Madeleine Desjardins Coutu.

Resolution 94, for the relief of Louis Raymond.

Resolution 95, for the relief of Giuseppe Luigi (Louis) Natale Tassin.

Resolution 96, for the relief of Helen Arnby Cohn Tencer.

Resolution 97, for the relief of Thomas Campbell McDermid, otherwise known as Thomas Campbell MacDermid.

Resolution 98, for the relief of Mary Ellen Catherine Walsh Hutson.

Resolution 99, for the relief of Catherine Vasilakos Kivalon, otherwise known as Catherine Vasilakos Kivalou.

Resolution 100, for the relief of Aileen Florence Coubrough Kirkpatrick.

Resolution 101, for the relief of Margaret Adrianne Elliott Prendergast.

Resolution 102, for the relief of Marie Joseph Francois Xavier Boulais.

Resolution 103, for the relief of Guy Dalton Prince.

Resolution 104, for the relief of Mary Catherine Gail Flynn Fraser.

Resolution 105, for the relief of Jacqueline Isabel Morrell Bridges.

Resolution 106, for the relief of Tatiana Olshewsky Rabchuk.

Resolution 107, for the relief of Una Margaret Robson McLean.

Resolution 108, for the relief of Denis Stevens O'Shea.

Resolution 109, for the relief of Henri Gervais.

Resolution 110, for the relief of Andree Odette Lepage Muir.

Resolution 111, for the relief of Colette Marie Bernadette Viel Simunich.

Resolution 112, for the relief of Carole Ann Serventi Snelgrove.

Resolution 113, for the relief of Margaret Alva Thompson Thomson.

Resolution 114, for the relief of Elizabeth Anne Fisher Buie.

Resolution 115, for the relief of Joyce Browning Whitlock Neilson.

Resolution 116, for the relief of Jean Guy Campeau.

Resolution 117, for the relief of Mildred Jill Robertson Cosgrove.

Resolution 118, for the relief of Samuel Ross Wynands.

Resolution 119, for the relief of Mary Ileen Chesney McDonald.

Resolution 120, for the relief of Michael Slowko Strilchuk.

Resolution 121, for the relief of Margaret Elaine Hitchner Leblanc.

Resolution 122, for the relief of Marion Diana Burton Cairns.

Resolution 123, for the relief of Stanislaw Dunaj.

Resolution 124, for the relief of Catherine Dale Rouleau Porter Lewin.

Resolution 125, for the relief of Rena Roy Vachon.

Resolution 126, for the relief of Jean Joseph Fradette.

Resolution 127, for the relief of Fernande Phaneuf Keenan.

Resolution 128, for the relief of Gwendoline Mary Harris Winnicki.

Resolution 129, for the relief of Jovette Longtin Lemaire, otherwise known as Jovette Longtin Le Maire.

Resolution 130, for the relief of Doreen Hanson Pankhurst.

Resolution 131, for the relief of Maurice Auray Page.

Resolution 132, for the relief of Beverley Eileen Holder Reece.

Resolution 133, for the relief of Esther Druker Rosenbloom.

Resolution 134, for the relief of Louis Hudon.

Resolution 135, for the relief of Gloria Daisy Tyson Fortier.

Resolution 136, for the relief of Carol Bernice Simms Morris.

Resolution 137, for the relief of Virginia Carol Powell Gariepy.

Resolution 138, for the relief of Christine Kollenz Hottot.

Resolution 139, for the relief of Rene Derouin.

Resolution 140, for the relief of Doris Dorfman Garber.

Resolution 141, for the relief of Mary Bridget (Brigid) Ryan Harding.

Resolution 142, for the relief of Marilyn Dexter Robertson Lemieux.

Resolution 143, for the relief of Edouard Pelletier.

Resolution 144, for the relief of Claire Dubuc Dionne.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be placed on the Orders of the Day for consideration on Friday next.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Mr. Martin: Honourable senators, may I inquire from the Whip on the other side, Hon. Mr. Macdonald (Cape Breton), whether there is a likelihood that Items 5 and 6 on the Order Paper, which stand in the name of the Hon. Senator Haig, will be proceeded with tomorrow?

Hon. Mr. Macdonald (Cape Breton): I would think it likely they will proceed. Senator Haig is not expected to be away long.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, October 3, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE

Ottawa, 3rd October 1968

Sir,

I have the honour to inform you that the Honourable Gérald Fauteux, Puisne Judge of the Supreme Court of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 3rd October at 5.45 p.m., for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,
Louis-Fremont Trudeau
Brigadier General
Assistant Secretary to the
Governor General

The Honourable
The Speaker of the Senate
Ottawa

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Economic Council of Canada, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 21(1) of the Economic Council of Canada Act, chapter 11, Statutes of Canada, 1963, and section 85(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (English and French texts).

Report of the Canadian Corporation for the 1967 World Exhibition, including its Statements of Accounts and the Report of the Auditor General of Canada and the Quebec Provincial Auditor thereon, for the year ended December 31, 1967, pursuant to section 18 of the Canadian Corporation for the 1967 World Exhibition Act, chapter 12, Statutes of Canada, 1962-63, as amended 1963. (English and French texts).

Report of the Atlantic Development Board for the fiscal year ended March 31, 1968, including its Accounts and Financial Statements certified by the Auditor General, pursuant to section 19 of the Atlantic Development Board Act, chapter 10, Statutes of Canada, 1962-63, as amended 1963 and 1966. (English and French texts).

CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, presented the following report:

The Standing Committee on Transport and Communications to which was referred the Bill S-5, intituled: "An Act to amend the Canadian Overseas Telecommunication Corporation Act", has in obedience to the order of reference of October 1st, 1968, examined the said bill and now reports the same without amendment.

Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Langlois moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

RULES OF THE SENATE

APPOINTMENT OF MEMBERS TO SPECIAL COMMITTEE

Hon. Paul Martin moved, with leave:

That the Special Committee of the Senate appointed to examine the Rules of

the Senate and to recommend to the Senate any changes therein considered by the Committee to be either necessary or desirable be composed of the Honourable Senators Aird, Choquette, Connolly (Ottawa West), Desruisseaux, Everett, Flynn, Haig, Lang, Langlois, Leonard, Macdonald (Cape Breton), Martin, McDonald, Molson, Phillips (Rigaud), Stanbury, Thorvaldson and White.

Motion agreed to.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, October 8, 1968, at 3 p.m.

Motion agreed to.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. Paul Martin: Honourable senators, before the Orders of the Day are called I should like to indicate generally what I envision to be our work for next week. I think it is desirable that I do this at the end of the week so that honourable senators will have an opportunity of preparing for what I hope will be an increasing and widening participation in the matters that are brought before this house.

There is a notice of motion by Senator Croll for the establishment of an ombudsman committee. I believe that Senator Croll is ready to proceed with this motion, but it may be that it will have to await the debate on the other motion standing in his name for the establishment of a special committee on poverty. He is away today, not because he is not interested in the work of this chamber but because of the religious significance of these days for his people.

I presume there will be a resumption of the debate on the motion of Senator Carter for the establishment of a committee to inquire into census and statistics.

If I may anticipate the progress today, there will be a resumption of the debate on the second reading of Bill S-10, to amend the Customs Act, which I hope will be moved today by its sponsor. I would say the same with respect to Bill S-8, to amend the Supreme Court Act. My expectation is that the second reading of that bill will be moved this afternoon.

We shall resume the debate on the inquiry of Senator Lang calling the attention of the Senate to the North Atlantic Assembly held in Brussels in May of this year. The honourable Leader of the Opposition adjourned this debate on Tuesday evening.

It is expected that we shall be able to proceed to the second reading of Bill S-4, respecting the marking of articles containing precious metals, and of the two bills standing in the name of Senator Haig. Senator Haig is away at the moment attending to important matters.

It would not be proper for me to refer to any other bill that may come to us from the other place, or that may be initiated here in the name of the Government. Other bills will be coming before us, although, noting the progress in the other place, I do not think we can expect any legislation from that quarter before the middle of next week.

Several committees will be meeting next week. The Chairman of the Special Committee on Science Policy has made arrangements for that committee to sit all day Wednesday. I do not wish to incur the wrath of the chairman, but I would express the personal view that as far as possible the meetings of committees should not take place while the house is sitting. However, that committee has the authority to do so. When the Committee on the Rules of the Senate meets, this may be one of the matters it will want to consider.

The Standing Committee on Banking and Commerce will meet next week to consider several bills including, I hope, the bill to amend the Supreme Court Act. The Rules of the Senate Committee will be meeting next week. This is an important committee, and I think it will have to hold a number of sessions.

In general terms, this is the agenda as I see it for next week.

Hon. Jacques Flynn: I think it is a good practice for the Leader of the Government to indicate to the house what is likely to be on the agenda for the coming week, so that we can prepare for the disposition of the bills and other matters which come before us. As far as we on this side of the house are concerned, we will certainly be ready to deal with bills which the Leader of the Government has mentioned will be considered.

I read from the Canadian Press yesterday the following dispatch:

> The Senate, looking more like a working chamber under Government Leader Paul Martin, completed its Throne Speech debate yesterday and held a night sitting to deal with at least one Government bill.
>
> Traditionally, the Throne Speech debate can go on indefinitely in the Upper Chamber. The Senate agreed at this session to limit the debate to eight days but completed it instead in seven.

I want to assure the Leader of the Government that we are willing to co-operate with him in whatever changes he might suggest, or which the committee to study the rules of the Senate might suggest, so that we might eventually deal more efficiently with the work that comes to this chamber.

In connection with this press clipping, I want to say that what the leader has indicated as being our program next week is not different from what has been traditionally the program of this chamber. In previous years we may not have appeared as active, but I am sure that we have been, and I suggest that the press might give publicity to the statement that the leader has made today as to the program for next week. If they consult the records of the Senate they will see this is nothing more than has been the case for many years, or at least during the time I have been here.

Hon. Mr. Martin: They were just trying to spur us on, I suppose.

Hon. Mr. Walker: The press was just puffing for the new leader.

APPROPRIATION BILL NO. 3, 1968

THIRD READING

Hon. Leopold Langlois moved the third reading of Bill C-108, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

He said: Honourable senators, I would like to provide answers to two questions which were asked of me yesterday when I explained this measure. The honourable Senator Fournier (Madawaska-Restigouche) put this question to me:

> Honourable senators, if I understand this correctly, it is the amount paid to these people using the vending machines, such as the Coke and Pepsi-Cola people, who had to make a major change in their machines on account of the change in the money.

To that, I replied as follows:

> There would be compensation to owners of vending machines on certain terms and conditions approved by the Treasury Board.

Senator Fournier (Madawaska-Restigouche) then made this comment:

> I do not think the honourable senator has answered my question. I want to know the exact amount to be paid to the vendors as a grant in regard to damage to or replacement of old machines.

I was not able to answer that because I did not have the information. I still do not have the precise amount, but I have obtained further information which I am sure will be of interest to the honourable senator.

The answer is as follows: On June 3, 1968, the Minister of Finance announced that the Government intended to recommend to Parliament the payment of compensation to vending machine operators for part of the cost of purchasing new coin selectors to replace the coin selectors presently in use in existing vending machines. The compensation will be equal to one-half of the invoice cost of a new replacement selector, or of a rebuilt machine or of an adaptor. Consequently the payment will vary as between different operators, depending on the price they pay for the replacement selector. The total cost to the Government is estimated to be between $4 million and $5 million.

The second question was put by honourable Senator Hollett and had to do with the deficits of the Canadian National Railway passenger service in Newfoundland.

My answer is as follows: The latest available figure for the deficit on the lines to be abandoned in Newfoundland is $918,000, which is the deficit for the calendar year 1966.

Hon. Mr. Hollett: Thank you, sir.

Hon. Allister Grosart: Honourable senators, I do not intend to oppose third reading of this bill today, nor am I going to pursue my argument that an interim supply bill should, where possible, be reported on by the Finance Committee before it is called for third reading here. That is still my conviction, and I may on some future occasion indicate my reasons for so believing.

The position I took yesterday was that I was not prepared to have our rules set aside, by leave, when questions I have asked on second reading had not been answered. It has certainly been the custom here to answer the questions before the debate on the bill at that particular stage is concluded. I will not pursue that point any further at this time.

Honourable senators, I would like to clear up the misapprehension that the Finance Committee, of which I am a member, had considered and reported on the Estimates which are the basis of this bill. That was said yesterday, and it appears in our *Hansard*. The fact is that since the Revised Estimates were published, the Finance Committee, for obvious reasons, has not met.

I hold in my left hand a book about one inch thick, containing 621 pages, entitled "Estimates for the Fiscal Year Ending March 31, 1969." I have in my right hand a book of similar size, containing 603 pages, entitled "Revised Estimates for the Fiscal Year Ending March 31, 1969". The figures are substantially different in the two books. Otherwise, it would have been entirely unnecessary and a waste of public funds to publish the second volume.

I am quite willing to accept the Government's statement at its face value that this is a genuine attempt to reduce public expenditures in this particular fiscal year. Whether that has been achieved or not, is a matter of opinion. Some figures which were given yesterday indicate that the Government may not have accomplished that end.

I hope it will not be suggested that because the Finance Committee has considered the first book they should not now proceed to consider the second book, and perhaps attempt to resolve the difference between Government programming and Government performance in this respect. I think it is essential that this chamber have a report on this important innovation in the matter of presenting Estimates to Parliament.

Honourable senators, I believe I am correct in saying that we had assurances from the former leader that in general we would not be asked to pass appropriation bills here until there had been, where possible, a report from the Finance Committee. I can assure honourable senators that my only interest in this matter is to do what I can to see that the progress which was made in our handling of financial matters in reporting to this chamber, by the Finance Committee, under the chairmanship of Senator Leonard and his honour the Speaker, is not thrown into discard.

In this respect I cannot forget that in the Finance Committee within the last year or so the then Secretary of the Treasury Board, Dr. George Davidson, was asked this question: Has the Senate a function to perform in respect of Estimates and public accounts, in view of the fact that very often the Estimates have been before the other house, have been to a committee of the other house and then, perhaps, have been back to a committee of the whole before coming to the Senate? He was asked also whether the Senate was just wasting its time in considering them.

I think all honourable senators will agree that at that time there was no better informed man in Canada on the subject of Estimates than Dr. George Davidson.

Some Hon. Senators: Hear, hear.

Hon. Mr. Grosart: Dr. George Davidson said in effect that the Senate could and should perform the useful function of filling in the very large gaps that have developed for certain reasons—which I will not criticize—in the parliamentary examination of Estimates and Public Accounts.

May I just repeat one of the questions I asked the honourable Leader of the Government yesterday: Will he tell us when it is the intention to have the Finance Committee meet to discuss this and other important matters?

Hon. Mr. Martin: Honourable senators, there will be no delay. I hope that we can do that some time next week. I have been waiting for the return to the chamber of one senator with whom I would like to discuss this matter, and I hope we can do so next week.

Hon. Malcolm Hollett: Honourable senators, before the bill receives third reading, I would like to ask the honourable Senator Langlois again about the deficit in respect of the passenger railway service in Newfoundland.

Hon. Mr. Langlois: You are referring to the C.N.R. passenger service. The figure was for the year 1966, and it was $918,000.

Hon. Mr. Hollett: I do not want to delay the proceedings in any way, but there is a very strong rumour that it is the intention of the Commissioner of Transport, formerly an honourable Member of Parliament for

Newfoundland, to get rid of the passenger railway service in Newfoundland. I noted the figure of $39,293,000 under Vote 15, where it says:

> Payments to the Canadian National Railway Company...upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1968 in respect of the following:
>
> (i) Canadian National Railways System...
>
> (ii) Ferry Services:
> Newfoundland Ferry and Terminals; Prince Edward Island Ferry and Terminals and Yarmouth, N.S.—Bar Harbour, Maine, U.S.A.... $39,293,000.

I should think that a deficit of less than $1 million on the Canadian National Railway passenger service in Newfoundland hardly justifies the decision of the Transport Commissioner to curtail it. And I say the Transport Commissioner—I do not say the Government. I take it the Government will eventually decide what it intends to do, but this man has made it known that he intends to make application to the Government to dispose of the C.N.R. passenger service in Newfoundland.

I do not believe any Newfoundlander, even though he may not be an employee of the C.N.R., will like the idea very much. At least, I am a Newfoundlander and I do not like it.

The railway was built there before I was born. It was put there at great sacrifice to our people, and throughout the years it has served them well. The various other means of getting around, which we have today, were not available at that time. We could not fly. We could not drive motor cars because there were no roads. Everybody used the railway. There is a certain amount of sentiment attached to that railway, even apart from the idea that our people spent their last cent to get it through. I admire the spirit of the people who dealt with it at that time.

I hope I am speaking for all of Newfoundland when I say that we hate to see that service disposed of. I myself have crossed Newfoundland in the old days when there was no trans-Canada highway. I did it by rail. I have been hung up at the Gaff Topsails by snow storms for periods of time when no bus could ever get through. How would you like to remain on a bus for 48 or 70 hours on the Gaff Topsails or anywhere in that area because of a snow storm? It is bad enough to be held up in a train, but I hate to think of buses have to perform the duties or services which were and are performed by the railway.

I raised the question because I want the Government to think very carefully and seriously on this matter before deciding to dispose of that railway service. I now ask the Leader of the Government in this house to give it careful consideration before he joins in agreement with the Transport Commissioner on his apparent decision.

When I raise this point I am speaking for myself and not because of a petition or anything of that nature. However, I feel it is a terrible position to be in to think that Canada—and we are Canadians—would dispose of that railway.

I noticed in the papers yesterday that the C.N.R. is going to build a railway somewhere in the north for the purpose of carrying petroleum from the northern part of one of the western provinces, a distance of 51 miles. On the other hand, 500,000 people in Newfoundland will be done out of a railway because this man says, "Get rid of the railway. Give them buses." That is his idea.

I hope I have made the matter clear to the honourable Leader of the Government.

Motion agreed to and bill read third time and passed.

CUSTOMS ACT

BILL TO AMEND—SECOND READING

Hon. Earl A. Hastings moved the second reading of Bill S-10, to amend the Customs Act.

He said: Honourable senators, the purpose of Bill S-10, being an act to amend the Customs Act, is to grant authority to the department to update and improve procedures introduced to expedite commercial transactions at Customs and at the same time to grant legislative authority for certain practices and procedures to the Customs Division of the department as recommended by the Public Accounts Committee of the other place and the Auditor General.

By way of introduction, perhaps I can do no better than to quote to you from the Report of the Auditor General to the House of Commons for the year ending March 31, 1967. In paragraph 118, he says:

Departmental practices which lack statutory sanction. In last year's Report (paragraph 105) reference was made to four practices of the Customs and Excise Division of the Department of National Revenue which lacked legislative sanction. These practices relate to:

(a) refunds of customs duties on an estimated basis;

(b) sales of goods unclaimed at Customs;

The third one affects the sales tax division, and

(d) refunds of duty paid on goods diverted to use other than that for which they were imported.

The Public Accounts Committee in its Eighth Report 1964-65 recommended that the practices referred to...should receive statutory sanction and in its Fifth Report 1966-67 the Committee supported the Audit Office view that the item referred to in (d) should receive parliamentary sanction if the practice is to continue.

So, the reason for Bill S-10 is to implement these recommendations of the Auditor General and the Public Accounts Committee of the other place, along with updating certain procedures that have been adopted by the department.

The bill proposes an amendment in respect to the sale of goods that the act formerly required to be destroyed. Under the present act, unless the department is assured of receiving enough money covering duty and other charges, these goods so acquired must be destroyed. It was felt by the department that the destruction of goods is considered in many instances to be wasteful and, indeed unnecessary, so that we are asked to amend the act permitting the sale of goods so acquired by the Crown, whether or not enough funds are received to cover the three items, duty, storage and charges.

Legislative sanction is sought to extend the long-standing practice of paying refunds of duty as a matter of equity in the case of goods which under certain conditions would be exempt or subject to a lower rate of duty if imported by the ultimate user, but which were in fact imported at a higher rate. The amendments permit a refund when the goods are sold to such a user, thus placing him in the position he would have been in had he imported the goods himself. The users I refer to are educational institutions, scientific laboratories, certain agricultural users, the mining industry, and others.

There are certain cases in which it has been found to be administratively impossible to determine actual quantities of materials on which to pay refunds and remissions. A proposed amendment will provide statutory sanction for the practice in such cases of refunding or remitting the duty based on estimated values.

Other amendments proposed extend the time for establishing entitlement for refunds of customs duty. This again is based on the recognition of the demand for the more efficient handling of imports and the continuing increase of business at ports of entry. The amendments are proposed in keeping with modern business requirements to allow greater flexibility in the examination of goods at port of entry.

An amendment is proposed to provide for changes as recommended in the Glassco Commission.

In explaining Bill S-10, honourable senators, the essential purpose of the first three clauses is to remove the requirement that goods acquired by the Crown must be destroyed unless the department is assured of receiving enough revenue to cover duty, storage and other charges.

Clause 10 provides for a uniform method of sale.

Clauses 4 and 5 provide an amendment to section 33 of the Customs Act which will permit greater flexibility for the examination of imported goods at the time of entry into Canada. A random inspection is authorized for the purpose of appraisal and verification, and the inspection can be intensified should circumstances warrant. The importer or his agent is present at the time of entry of the goods; furthermore, this will do away with the possibility of an importer or his agent complaining that he was unaware of the examination.

The deletion from the present act of sections 95, 96 and 97 removes references to the examination of goods at examining warehouses. The sections now require a collector to designate a specified number of packages to be examined and appraised at an examining warehouse. However, examining warehouses are no longer operated on port premises, and the examination of imported goods, as a routine exercise, has been discontinued. Imported goods are now examined at sufferance warehouses operated by transportation companies. The responsibiilty for the

examination and appraisal of goods is delegated by collectors to customs appraisers. The removal of these sections brings the legislation into harmony with current procedures for the examination and release of imported goods.

Clause 6, extends the period to 90 days rather than the existing 30 days for the filing of refund claims. At the present time, where inferiorities or shortages occur on the invoice, the importer has but 30 days to file his claim. This amendment will bring the time limit into line with that applying to all appeals for refunds, and will allow 90 days whether the claim be by virtue of inferiority of invoicing or a reappraisal. All must be done within the 90 days.

Honourable senators, clause 7 is possibly the most important clause in the bill before us, and grants authority to the department for a long-standing practice. The question regarding the authority for the payment of refunds of duty on diverted goods was raised by the Auditor General in his 1964 report. It was pointed out there was no specific authority in the Customs Act under which the department might grant refunds in cases where goods were entered under an item of the tariff, upon payment of duty at the rate applicable to such goods, and subsequently diverted to a use which would have entitled entry under a different tariff item had they been so imported. Nevertheless, the department, as a matter of equity, has adopted a policy of making refunds in such cases, treating the original payment as "duty paid in error." If the policy is to be continued, in the view of the Audit Office it should have legislative sanction, which is the purpose of clause 7.

Clause 8 extends authority to a departmental practice followed in connection with refunds of customs duties calculated on an estimated basis. The matter was questioned by the Auditor General in his 1964 report, in which he stated:

> In order that Canadian airlines may be in a tax position comparable to foreign airlines, the Governor in Council, under authority of section 22 of the Financial Administration Act, grants remission of duty, sales and excise taxes paid on parts, equipment and consumable maintenance stores for aircraft operating in international service.
>
> The Department of National Revenue finds it administratively impractical in some cases to determine actual quantities to which remissions should apply and so relies on considered estimates in calculating the remissions to be granted.

Refunds of duties and taxes are authorized in order that Canadian airlines may be competitive in international traffic and in a tax position comparable to foreign airlines entering Canada in international service. However, the Auditor General, in questioning this procedure suggested that it should receive legislative sanction, notwithstanding the fact that they were operating under the Financial Administration Act. Clause 8 provides an amendment to the act whereby the amount of remission may be estimated.

With regard to clause 9 in respect to section 113(1) of the act, covering a refund for misdescription of goods, this is seldom used; however, it is thought advisable to extend the time limit to 90 days, in keeping with the 90-day period provided in the amendment to other sections of the act.

Clause 10 provides for the sale of goods by public tender as well as sale by public auction. It is sometimes found not practical or feasible to dispose of these goods by public auction, so, by the amendment authority is being provided for sale also by public tender. Authority is also being provided for the minister to dispose of goods in any way he sees fit. It will no longer be necessary to ensure that goods are sold for an amount which will cover all charges. It will only be necessary to sell the goods at a price which will enable the Government to at least recover part of a debt to the Crown. The goods may be sold by public auction or tender, or may be disposed of by the minister as he sees fit; or, as a last resort, destroyed, if that be the only alternative.

Clause 11 covers an amendment recommended by the Glassco Commission, wherein the collection of a fee for reproduction and certification of documents is feasible administratively, provided the fee is sufficient to cover the cost of the service. Under the present act it is set at 50 cents per document. The amendment will grant authority to the Governor in Council from time to time to set the fee for reproducing any item required.

Clause 12, honourable senators, covers the amendment with respect to the opening and unpacking of goods under control of Customs, and is consequential to the amendments proposed in clauses 4 and 5, with respect to the inspection of goods while in storage. It

revokes sections 215 to 217, which refer to the examining warehouse, no longer operated by the department.

In conclusion, honourable senators, the purpose of Bill S-10 is to grant authority for up-dating and improving procedures and practices undertaken by the department and to grant legislative authority for other practices, as recommended by the Public Accounts Committee and the Auditor General.

I recommend the bill to you at this time for second reading.

Hon. Mr. Fournier (Madawaska-Restigouche): The honourable sponsor uses the word "goods", which to me has quite a broad meaning. Does that term include liquor?

Hon. Mr. Hastings: Yes.

Hon. Mr. Fournier (Madawaska-Restigouche): Liquor will not be destroyed?

Hon. Mr. Flynn: If it is good!

Hon. Mr. Fournier (Madawaska-Restigouche): Even if it is good, at the Customs liquor is usually destroyed, as you know. I am asking a serious question. I live alongside the Customs and see all sorts of things happening there. The word "goods" seems to have a wide meaning and could include almost anything.

Hon. Mr. Flynn: It does.

Hon. Mr. Fournier (Madawaska-Restigouche): It could include counterfeit money, narcotics, liquor, tobacco, matches. Those are items which one is not permitted to bring across the border, and if one attempts to do so, they are immediately seized and destroyed.

Hon. Mr. Hastings: Section 2(1)(j) states:

> "goods" means wares and merchandise or movable effects of any kind, including vehicles, horses, cattle and other animals;

So, it means goods, wares and merchandise of any kind.

Hon. Mr. Flynn: Honourable senators, it may be that by reading the French version of the bill we have an explanation, because the word used is "effets", which includes everything. There is no doubt that liquor is included in the word "goods"; it certainly is in the word "effets".

Honourable senators, we have listened to the excellent explanation of this bill, and we are indebted to Senator Hastings. It is introduced to tidy up the Customs Act, following recommendations in most cases, by either the Auditor General or the Glassco Commission.

This is a bill which, typically, can be dealt with properly in committee, and I understand that the sponsor will move that it be referred to one of our standing committees. Therefore, I do not see that it is necessary further to delay second reading of the bill.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hastings, bill referred to the Standing Committee on Finance.

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Lazarus Phillips moved the second reading of Bill S-8, to amend the Supreme Court Act.

He said: Honourable senators, I have the privilege of summarizing before you the various clauses of this extremely important bill. In so doing I should like to transmit my sympathies to my fellow lawyers in this house who practise before the Supreme Court, because the result of the passing of this bill will mean a substantial reduction in the number of cases going before the Supreme Court. But, I know that my fellow lawyers will submit to the demands of patriotism, with a complete disregard for their own interests.

This bill consists of eleven clauses which contain at least three very important amendments, the remainder of them constituting, to a certain extent, a tidying-up process. Before dealing with the subject matter clause by clause I should like to draw to your attention the three basic amendments that are being submitted for your consideration in this bill.

First, it is proposed to amend section 36 in respect of judicial proceedings involving sums or value in excess of $10,000. Whereas, there is now a right of appeal to the Supreme Court of Canada on a question of fact, or a question of law, or a question of mixed fact and law, if this amendment is passed there will be a right of appeal to the Supreme Court in respect of judicial proceedings only on a question of law, and if the amount or value involved exceeds $10,000. There will be no appeal in ordinary cases to the Supreme Court in respect of issues involving a sum in

excess of $10,000, except where there is a question of law involved. This involves, as stated, an amendment to section 36 of the Supreme Court Act.

Section 39 of the Supreme Court Act covers the subject matter of *per saltum* appeals—that is, appeals from judgments of a lower court in a province, and where the appellate court in that province is by-passed with consent. In this particular instance the law now provides for the right of appeal *per saltum* to the Supreme Court of Canada where questions of law are involved, and where the amount involved exceeds $2,000.

This amendment with respect to *per saltum* appeals is necessary because when amendments to the Supreme Court Act were introduced in 1956 with respect to section 36, granting the right of appeal only in cases involving sums or value in excess of $10,000, whereas it had previously been $2,000 and over, section 39, involving *per saltum* appeals, was overlooked. The necessary amendments to section 39 were not then made so that it would conform to the 1956 amendment of section 36. This is the second important amendment contained in this bill.

The third important amendment involves applications to the Supreme Court of Canada for leave to appeal. As a result of a number of provisions spread throughout many statutes, there are instances of where one judge of the Supreme Court may hear an application for leave to appeal. In practice, three judges of the Supreme Court usually listen to applications for leave to appeal to the Supreme Court. The result of this proposed amendment is that all applications for leave to appeal to the Supreme Court of Canada shall be heard by three judges, and in cases concerning certain offences which involve the death penalty such application will be heard by five judges.

I have covered three important amendments, but there is one more, and that is that there will now be taken away from the Supreme Court of Canada the right to listen *ab initio* to applications for writs of *habeas corpus*. This results from certain amendments that were heretofore made to the Criminal Code of Canada, as the result of which appeals are now vested as of right to the Supreme Court of Canada in matters of *habeas corpus*.

The present law is, therefore, somewhat anomalous in the sense that the Supreme Court of Canada is a court of original jurisdiction in matters of *habeas corpus*, and is also an appellate court in matters of *habeas corpus*. The proposed legislation will clear away this anomaly.

Honourable senators, the fifth item of importance is one that I think has a certain historic significance. At the present time the rules and procedures of the Judicial Committee of the Privy Council are guideposts for the Supreme Court of Canada. The result of the proposed amendment in clause 5 is that those guideposts will be removed entirely, and the right to introduce or to direct new rules and regulations is given to the Chief Justice or, in his absence, to the senior judge of the Supreme Court.

I assume, honourable senators, that all of us with an historic sense of the development of our country during the first one hundred years of Confederation will find it of interest to learn that we are dealing here with an amendment that involves the abrogation of the rules of the Judicial Committee of the Privy Council, but this, of course, is a natural corollary to the political and autonomous evolution of our great country, and an indication that we feel, with the greatest respect to the Judicial Committee of the Privy Council, that we have the necessary competence and experience, based upon our own training, to handle these matters.

The foregoing are five basic amendments to the Supreme Court Act. This bill contains also a number of incidental amendments which will be of interest only to lawyers, because they involve proceedings in appeal, deposits, notices to the registrar, and other procedural matters. There is, however, one very interesting amendment which also has historic significance and that is that the practice of buying stamps in Supreme Court proceedings will be repealed. If the amendment is passed, in lieu of the purchase of stamps, cash will, of course, be paid. We have here also a certain historic significance when we think of the Stamp Act which produced certain results in the 18th century in the country to the south of us and I would think that any reminder of, shall we say, our colonial status many years ago, when the element of stamps played an important role, will be removed.

Clause 10 brings into play the necessary amendments to a series of statutes that form part of the schedule to the amending bill. These amendments to the various acts that you will see therein are necessitated by the proposed amendments to which I have just referred.

Finally, clause 11, provides that if and when this bill becomes the law of the land it will come into force as provided therein. The necessary time must be given in due course to the members of the legal profession to accustom themselves to the consequences resulting from the proposed amendments.

Before I proceed to deal with the specific clauses—and I shall try to be brief in dealing with them now that I have given you the basic outline—I should like to call attention to a very important point. There will no doubt arise in the minds of some of the senators the question as to what happens to pending litigation, having regard to the proposed amendments. In this regard I should like to point out that there is judicial authority for the statement that the proposed changes to which I have just referred and, more particularly, the proposed change to section 36, will not affect issues presently pending. For the purposes of the record, the authorities are the cases of *Hyde and Lindsay,* 1898, 29 Supreme Court Reports at page 99, and *Fleming and Atkinson,* 1956, Supreme Court Reports, page 761. I thought that this ought to be incorporated in my general introduction, as no doubt this would be a technical point that would excite the interest and attention of fellow lawyers and fellow senators in this chamber.

I now come specifically to the consideration of the various sections of the law under the headings to which I have just referred. The first one is clause 1 which proposes to repeal section 36 and to replace same so as to provide for an appeal to the Supreme Court of Canada only on a question of law and where the amount or value exceeds $10,000. The new section 36 also covers the right of appeal on proceedings for or upon a writ of *habeas corpus* or *mandamus.*

This, therefore, disposes of the first basic item, clause 1 of the bill; that is, the replacement of the present section 36 of the Supreme Court Act.

The second important item is clause 2 of the amending bill and this involves the amendment to section 39 of the Supreme Court Act and refers to what we call appeals *per saltum;* appeals by jumping over the lower courts by consent and moving on to the Supreme Court of Canada. The explanation given in the copy of the bill before you indicates that as the result of the amendment in 1956 there was human oversight in not bringing an amendment to section 39 in line with the 1956 amendment of section 36. Therefore it is proposed that in section 39 under clause 2 an amendment will be provided to bring it into line with section 36. Under section 39 the right of appeal will lie only on questions of law and in amounts or value in excess of $10,000.

We now come to clause 3 of the bill. This involves the question of a quorum which is needed to deal with the subject matter of application for leave to appeal to the Supreme Court of Canada. I draw attention to the fact that the quorum, to which we referred in clause 3, is a quorum of judges necessary to consider the applications for leave to appeal and not the quorum, obviously, for the hearing of the appeal itself if the application is granted. The quorum is three. I do not think that, in giving a general explanation on this bill at this time, I should enumerate the number of statutes where the right of application for leave to appeal is now granted to one judge, because it is intended to eliminate that right and in any event if the honourable senators are interested that subject matter can be pursued in the study of the item in more detail before the committee to which, no doubt, this important bill will be sent.

Attention is drawn, however, to the very important item where we are dealing with offences punishable by death and here in the best tradition of our country, where the liberty and the life of the individual are involved, five judges are required to constitute a quorum.

Clause 3 provides that:

> . . .except that in the case of an application for leave to appeal from a judgment of a court
>
> (a) quashing a conviction of an offence punishable by death, or
>
> (b) dismissing an appeal against an acquittal of an offence punishable by death, including an acquittal in respect of a principal offence where the accused has been convicted of an offence included in the principal offence,
>
> any five judges of the Court constitute a quorum.

Hon. Mr. Martin: What is the quorum now?

Hon. Mr. Choquette: Three.

Hon. Mr. Flynn: In some cases it is only one.

Hon. Mr. Phillips (Rigaud): The quorum is five, or will remain five, in cases involving offences punishable by death.

Honourable senators will note, in the explanation to clause 3 of the bill—and here again I will not stay our deliberations unduly—that this comes in as a result of certain amendments which were enacted in 1961, more particularly section 597A of the Criminal Code. On study, honourable senators will find that clause 3, proposing this amendment bringing in a new section 44A, and involving the repeal of the old section 44A, is for the purpose of bringing it in line with the amendments to the Criminal Code in 1961 and more particularly section 597A.

Clause 4 deals with the subject matter to which I referred in my introductory remarks, with respect to appeals in *habeas corpus* proceedings. Here it is proposed to eliminate entirely from the jurisdiction of the Supreme Court the initial right to hear, as a court of record in first instance, *habeas corpus* proceedings.

This involves the repeal of sections 57 to 60 of the present act. The rights of appeal of the subject are well covered in the Criminal Code and in the law as it presently exists, so that there is no curtailment or interference in any way whatsoever with the liberty of the subject and his right to be heard, ultimately, in grave matters involving *habeas corpus* and his liberty, before the Supreme Court of Canada.

Honourable senators, I think it very important that this be pointed out, because in going back to the historic rights associated with the writ of *habeas corpus*, the first reaction is one, shall we say, of concern, in noting that there is a denial of the right of *habeas corpus* directly to the Supreme Court of Canada.

Honourable senators will find, upon a study of the pertinent provisions of the Criminal Code amendments heretofore passed, that the repeal of sections 57 to 60 of the Supreme Court Act need cause us no concern in that respect.

Honourable senators, if by any chance in presenting this very important clause for your consideration I have overlooked anything important in so far as the liberty of the subject is concerned, the matter may well be picked up by the law officers of the Crown and by members of the committee who eventually will be dealing with this important clause.

Clause 5 is the very interesting clause to which I referred, that is, about the Judicial Committee of the Privy Council. It is proposed that section 63 of the act, which heretofore referred to practices of the Judicial Committee, be repealed, and that section 63 be amended to read as follows:

> Proceedings on an appeal shall, when not otherwise provided for by this act, or by the act providing for the appeal, or by the general rules and orders of the Supreme Court, be in conformity with any order made, upon application by a party to the appeal, by the Chief Justice or, in his absence, by the senior puisne judge present.

The explanation, which honourable senators have already noted, is that previously the Supreme Court rules in that respect were to be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council. I have already stated—and I hope I am not too redundant when I say it again—that I regard this clause as of particular historic significance in this august chamber, because it brings back memories of the evolution of our state, the cessation of rights of appeal to the Privy Council, and of the associated matters which come to mind as citizens and subjects of this great nation of ours.

Those are the five basic amendments to the bill that I have dealt with generally and a little less generally within the last ten or fifteen minutes.

Honourable senators, I would say, I can pass over the remaining clauses of the bill with considerable celerity because, although they are important to litigants and to those who regard procedural matters in a court of law as of vital importance, I do not think the amendments need detain us unduly at this stage.

Clause 6 covers the matter of procedures on appeal, the security that has to be filed, the notice of security, the service and filing of the notice of appeal, and, when error is alleged, what is to be done about it.

The reading of clause 6 and the reasons for the change are, in my humble opinion, clear; and I would be but delaying the deliberations of this chamber by reading the notation which is already before you.

Honourable senators, I come to clause 7, which is merely a provision to bring into harmony certain sections of the Supreme Court Act pursuant to which the sheriff is allowed to grant a stay of execution in certain cases where judgment has been rendered,

once the appeal has been filed and the security has been deposited, as provided for in the proposed amendment just discussed.

Clause 9 is of some interest. Under it, section 106 of the act is repealed and the following substituted therefor:

> 106. All fees payable to the Registrar under this act shall be paid into the Consolidated Revenue Fund and the Registrar shall regulate the collection of such fees.

As pointed out in the explanatory notes, the use of law stamps is considered unnecessary and will be discontinued, under this amendment. In future, all fees will be paid in cash. This is of historical interest, as has been pointed out already.

Clause 10 is an important one, because in amending a statute so overwhelmingly important as the Supreme Court Act, it will be appreciated it affects many statutes in Canada where there is a right of appeal to the Supreme Court of Canada. The pertinent and relevant provisions of these acts, because of Clause 10, are brought into harmony with the proposed amendments under clauses 1 to 9 inclusive.

The acts I refer to are: the Bankruptcy Act, the Criminal Code, the Companies' Creditors Arrangement Act, the Exchequer Court Act, the National Defence Act, the National Energy Board Act, the Railway Act, and the Winding-up Act. Clause 11 is the one to which I referred, "This Act shall come into force on a day to be fixed by proclamation."

Honourable senators, I have before me a partial list of the burdensome amount of appeals that come to the Supreme Court of Canada under various pieces of legislation. I will not read them into the record but they will be available for the committee hearing. It is hoped, as I said, that at the beginning of our second century of political life, having regard to the fact that in our system of Government the legislative executive and judicial branches must operate smoothly and efficiently, it is necessary to introduce changes so as to relieve the justices of some tasks to enable them to perform the greater ones. The eminent jurists who now grace that court and who, we hope, will grace that court from time to time, will be able to use their great juridical and legal talents in part to deal with such subject matters as the interpretation of our jurisdictional disputes in our complex federal system, and in the clarification of our basic statutes, constitutional and otherwise.

There will be all sorts of matters coming before the Supreme Court of Canada in our day and in the days to follow. Let us hope that we are sitting in on an historic moment when we lay the foundations for relieving the Supreme Court of some of its present tasks, so enabling it to use its undoubted talents in a direction where it can be a decisive influence in helping this great country of ours.

Hon. Jacques Flynn: Honourable senators, before I move the adjournment on behalf of Senator Walker, may I put a question to the honourable sponsor? At the same time I just want to say that we have listened with great interest to his lucid explanation of this bill.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. Flynn: Am I correct in understanding that the present complete discretion given to the Supreme Court to give leave to appeal to it in any decision of its choice will continue? If so, does the honourable sponsor agree that the restriction we now have with regard to the amount referred to in clauses 1 and 2 of this bill, namely, $10,000, runs contrary to this discretion that will continue? Furthermore, does he not believe that this discretion creates a sort of imbalance because the Supreme Court may go against this trend of restricting the number of appeals, if it can give leave in any case of its choice without having any guidelines as it had in previous years?

Hon. Mr. Phillips (Rigaud): I owe honourable senators and the honourable senator who just spoke an apology. I should have referred to the fact that the proposed amendment to section 36 does not eliminate the court's jurisdiction to deal with questions of fact, or mixed law and fact, if justice in the particular case requires this to be done. In such case, leave to appeal could be granted under section 41 of the Supreme Court Act.

The honourable senator, however, has put his question to me not only with respect to the right of the Justices of the Supreme Court to grant an appeal under section 41 but in terms of whether it would be likely, because of the amendments we are proposing, that the judges of the Supreme Court would be inclined, even though they have the discretionary power under section 41, to allow an appeal in matters of mixed fact and law. Over a period of years the tendency might be not to allow some of these appeals to be heard even though the discretion is vested in them. I would be inclined to express the view

that with the passage of time the ambit, shall we say, of vitality of section 41 is likely to be restricted. But I cannot reach into the minds or into the judicial deliberations of the eminent Justices of the Supreme Court, nor can I foresee the future even though I come from a race of Prophets.

Hon. Arthur W. Roebuck: Honourable senators, may I say a few words in connection with this matter. I have not studied it, as has the honourable gentleman who has just sat down, but I would like to express my appreciation for the address that he has delivered to us, the lucid explanation and the breadth of his knowledge. His understanding of the basic principles which he has discussed in their historic relationship has been most interesting and most instructive.

This is an exceedingly important bill, and I hesitate to discuss the details of it without much further understanding and study of the text, but there are some observations I would like to make. One concerns the limitation of appeal to the sum of $10,000. I suppose there are some grounds for restricting appeals. We might have to have two or three courts sitting if we allowed every one to appeal. But I have never considered the limitation of appeals to large sums of money as either just or necessary. It means that this court is restricted to cases by the rich and excludes the rights of poor people.

It may be necessary to do that, but, as an advocate mostly of poor people in the past, I would like to see the rights of the ordinary person placed on the same basis as those of rich people. Not infrequently, honourable senators, the causes for complaint where small amounts of money are involved are just as important from a human standpoint as those with many thousands of dollars at issue.

At the same time, I would hesitate long and carefully before amending that particular clause. I would like more time to think about it, and I have no doubt that the honourable gentleman will refer this measure to a committee, where most of us lawyers will assemble with perhaps more knowledge than we had at the commencement of this debate.

I am rather sorry to see the right of application to the Supreme Court in matters of *habeas corpus* at the original trial, or at first instance, dispensed with by this bill. *Habeas corpus* is an ancient right that has been developed over the years, chiefly in Great Britain, and it is something to be interfered with only with great care. It has been set aside in times of stress, such as war times, but I have always regretted the fact that it was so set aside. I have thought that in time of excitement, antipathies and hates, *habeas corpus* was more important than in ordinary times. You will find it in the original Magna Carta. You will find *habeas corpus* referred to in the Bill of Rights. It has been treasured by Anglo-Saxon people over the centuries and it is highly respected by anyone with even a fireside knowledge of law.

Hon. Mr. Flynn: But the appeal is not denied.

Hon. Mr. Roebuck: If I understood my honourable friend Senator Phillips correctly, and based on my quick reading of the bill, the Supreme Court of Canada is not a court of first instance, but only a court of appeal. Am I right?

Hon. Mr. Flynn: Such a person can appeal to the Supreme Court.

Hon. Mr. Roebuck: Yes, but in the past the Supreme Court has heard applications for writs of habeas corpus.

Hon. Mr. Flynn: It is the same thing.

Hon. Mr. Roebuck: No. It is a very different thing. That court was a court of first instance as well as a court of appeal; and furthermore, in these applications for writs of habeas corpus the profession was allowed to shop around, because if one judge might not give it another judge might. Finally, people have come all the way to Ottawa to apply to the Supreme Court of Canada for a writ of habeas corpus. If I am right in my understanding, that will no longer apply, and applications will be restricted to the Court of Appeal of the province or other courts of first instance. Now, that may be all right, but I look on it with a question mark, and I am rather sorry to see it disappear. It has been an extra protection for the individual.

The abolition of the law stamp seems to me to be a matter of very small importance. It may be more convenient to put the money directly into the till rather than issue stamps, but I have always thought that the real purpose of the law stamps was to facilitate bookkeeping. The official is given so many stamps and he is expected to return so much money, and the stamps appear on the documents. I suppose a record in the cash book will be sufficient. As I say, I do not consider it to be a matter of very great importance.

The fact that our Supreme Court of Canada is now the court of last resort is to me a matter of pride. It indicates the maturity of our country. We are no longer dependent on people across the seas to decide for us the more important principles of our law. It is a matter of further pride to me that our court has risen to the situation and has conducted itself with confidence, with skill and with good judgment in these years since it was made the court of final appeal. That matter is, I am sure, a source of pride and satisfaction to every Canadian.

In the old days, when I was conducting more of these arguments than I have done in recent years, we made applications to the court for the right to appeal, and they were heard by all five judges, the full court. Frequently the application for the right to appeal was turned into the trial, and the whole subject was dealt with in one hearing. Now with only three judges hearing the appeal—and that I think has been the practice in recent years—the only way in which the court can make a final decision is to refuse the right of appeal.

My friend the Leader of the Opposition, I think, suggested that the discretion given in this new act was very wide, but I think he will find that in actual practice applications will be determined in accordance with the law as it stands. Most of the decisions will turn on such questions as whether the full $10,000 is involved, or whether it is entirely a question of law or one of mixed law and fact, and not one purely of fact. The decisions will not be capricious.

Hon. Mr. Martin: *Obiter dicta.*

Hon. Mr. Roebuck: I also have a question in mind as to whether we are wise in restricting the court to questions only of law or mixed law and fact in which questions of law are involved. But frequently the rights of the individual depend on decisions of fact. I do not like to see the jurisdiction of the court restricted. However, it does seem to me that considerable thought has been given to these amendments. Nevertheless, they justify a very careful consideration by this chamber, such as we give in our committees.

I have a final compliment to pay to my friend Senator Phillips, who has given us such a wonderful explanation of this bill. His address was full of knowledge and references to the basic principles of law. With that one final compliment to him, that is all I have to say now.

On motion of Hon. Mr. Flynn, for Hon. Mr. Walker, debate adjourned.

The Senate adjourned during pleasure.

At 5.30 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable Gérald Fauteux, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bill:

An Act to amend the Publication of Statutes Act.

The Honourable Lucien Lamoureux, Speaker of the House of Commons, then addressed the Honourable the Deputy of His Excellency the Governor General as follows:

May it please Your Honour:

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1969.

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, October 8, 1968, at 3 p.m.

THE SENATE

Tuesday, October 8, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copy of the Second Interim Report of the International Joint Commission on the Pollution of Lake Erie, Lake Ontario and the International Section of the St. Lawrence River, dated August 1968. English text).

Report of Operations under the Crop Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 10 of the said Act, chapter 42, Statutes of Canada, 1959. (English and French texts).

Statement of Receipts and Expenditures under Part V of the Canada Shipping Act (Sick Mariners) for the fiscal year ended March 31, 1968, pursuant to section 321 of the said Act, chapter 29, R.S.C., 1952. (English and French texts).

Report on Vocational Rehabilitation for the fiscal year ended March 31, 1968, pursuant to section 12 of the Vocational Rehabilitation of Disabled Persons Act, chapter 26, Statutes of Canada, 1960-61. (English and French texts).

Text of statement made by the Minister of Finance on October 1st, 1968, at the Annual Meeting of the Board of Governors of the International Monetary Fund and the International Bank for Reconstruction and Development held in Washington, D.C. (English and French texts).

Report of the Fisheries Prices Support Board for the fiscal year ended March 31, 1968, pursuant to section 7 of the Fisheries Prices Support Act, chapter 120, R.S.C., 1952. (English and French texts).

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 148 to 211, inclusive, and moved that the said reports be taken into consideration at the next sitting of the Senate.

Motion agreed to.

STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

CHANGE IN MEMBERSHIP

Hon. A. Hamilton McDonald, with leave of the Senate, moved:

That the name of the Honourable Senator Thompson be removed from the list of senators serving on the Standing Committee on Transport and Communications.

Motion agreed to.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE ADJOURNED

Hon. David A. Croll moved, pursuant to notice:

That a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada, whether urban, rural, regional or otherwise, to define and elucidate the problem of poverty in Canada, and to recommend appropriate action to ensure the establishment of a more effective structure of remedial measures;

That the committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the inquiry;

That the committee have power to send for persons, papers and records, to examine witnesses, and to report from time to time;

That the committee be authorized to print such papers and evidence from day to day as may be ordered by the committee, to sit during sittings and adjournments of the Senate, and to adjourn from place to place; and

That the committee be composed of seventeen senators, to be named later.

He said: Honourable senators, the motion before us did not come out of thin air. From time to time I have spoken out against the present welfare system, indicating that it had broken down and had been a failure, and that the existing welfare structure is bankrupt in social purpose. All members of this house know that the welfare system was born in the depression to serve in an emergency, and that it has perpetuated itself.

I have been thinking about this matter for some time, and assembling material I collected information from departments of government and from outside sources. On March 15 last the Department of National Health and

Welfare provided me with the balance of the material that I required from them, and on May 2 the then chairman of the Standing Committee on Finance, our present Speaker, provided me with answers to lengthy and involved questions relating to welfare and poverty. When I glanced through these documents—and they were voluminous—I could not see daylight. I could not make up my mind where to start. So, I salved my conscience by saying to myself: Well, poverty has been here for two thousand years, and a little longer will not make much difference. I tried to put it out of my mind. Of course, it did not go away.

The Fifth Annual Review of the Economic Council came almost as a sign and a star of hope, and it also provided guidelines. I think it is essential reading for every member of the Senate. In particular, no one should fail to read chapter six of this document. It is of the greatest consequence and in it many things are said.

Who composes the Economic Council of Canada? Each honourable senator has on his desk a copy of the Annual Review of the Economic Council of Canada. The Council comprises 25 outstanding men and women, representative of all walks of life. Wherever you may turn in a figurative "Who's Who in Canada", there are people who are members of the Economic Council. They are the people who signed this report. One of the most significant things they said was that the guaranteed income should be examined, researched and studied, and that it is recommended by many distinguished persons. I would add my own view that it could help the poor in a direct fashion. It could treat people as responsible individuals and not as incompetent wards of the state. It could be an incentive to people to help themselves, and could cost less than the present system.

What in particular attracts me, and what I think has attracted the Senate, is that the income test to decide who shall receive assistance from the Government is the same as that now used to decide who shall pay the cost of the Government.

In addition, you will notice that they speak of pilot projects. There are two or three pilot projects going on in the United States at the federal level. There is a very interesting pilot project in the State of New Jersey. They have taken one thousand low-income families and are giving them the guaranteed income for a period of two years. Case works are studying each case individually. What they want to know is—whether the guaranteed income is an incentive or a crutch. That is a question that we will have to answer to ourselves in due course.

In addition to that, they commented on the Canada Assistance Act. That act had a great potential when it was put on the Statute books, and I think it still has; but, unfortunately, the interpretations made in various parts of the country about some people who work full time and others who work part time have made the act almost ineffective.

We have not as yet come up with the answer as to what should be done about insufficiency of earnings. A very large proportion of our poor people are badly served by the welfare program.

There is a growing social policy of low-paid full-time workers, which is resulting in voluntary unemployment. We have to face up to it sooner or later: the right of a low-paid worker to choose unemployment welfare, or the modern scales of benefit, rather than a job at wages inadequate by any standard.

We also have to consider the person who has part-time work. Should we permit him to have a certain exempt wage in order to make up sufficient to his minimum income?

Honourable senators, I spoke about the pilot projects which we know are in existence at the present time—the three in the United States at the federal level and the one in the State of New Jersey. I think the most successful one we have found is in Sweden; but before you vote this committee into existence you should keep in mind that the committee will have to go and look at it. It is not good enough for the deputy minister to go and look at it: we want the eyes of this committee to look at it and their minds to appreciate it. There are also one or two projects in Great Britain, and some here at home.

Furthermore, we must see how our manpower policies are serving the people. We will have to hear from the people. We must see how our counselling and placement-in-employment services are serving the people. There have been some useful pilot projects in Canada and more are being undertaken at the present time. No one claims to have the answers. There is a great deal more that must be tried and developed.

Honourable senators, I suggest this is a field that we must thoroughly investigate: we must try to find out how employment opportunities and training opportunities and moving to new jobs can be brought into the lives of people who psychologically and often physically are furthest from them. There are

Canadians who are below the poverty line. This we should not and cannot tolerate.

The Economic Council of Canada tells us we have unilingual, bilingual and multicultural poverty in this country—and you can take your choice. The country has an abundance of everything, including poverty.

Honourable senators, notwithstanding all this, I believe we have the capacity to do away with the conditions of poverty. This is a challenge we could not have avoided. I think it takes some guts for this Senate to grapple with this problem, for poverty in varying degrees has been with the country a very long time.

Here we will be dealing with left-behind people who look to Government for a fair share. The road to a poorless society is uncharted, and we have to ask ourselves: Do we build anew or do we build on to institutional structures already accepted? I suppose the answer is that we will do some of both.

Nevertheless, I point out that money alone is not going to solve this problem. A poorless society requires more than a minimum income. The present provisions for assuring a minimum income to maintain standards of living through public assistance and other selected programs are a hodgepodge of gaps, inadequacies and inequalities. Many of them are successful failures—the operation was a success, but the patient died. The programs were well-intentioned and directed but the results were failures.

We have tried to "welfare" and "casework" the poor out of poverty. We must admit at this stage that we have failed.

I urge honourable senators to undertake this study for a particular reason that should appeal to the country: we are best qualified to do it. If a royal commission were appointed it would need a staff—as of course we will need a staff. On its staff it would have two or three very capable, well-informed persons who would know the score on this particular problem. But we in this chamber already have men with experience, know-how, capacity, and our committee could be composed of representatives from every province.

We have more than once indicated that we care about the people of Canada; we care about the poor. Moreover, we are not a one-shot affair. We are a continuing body that can well follow up its recommendations.

I will admit quite frankly that we could not have handled the Commission on Bilingualism and Biculturalism because it needed some special orientation. We could not have handled the Glassco Commission because an expertise was required there that we did not then possess. But we have proved our ability over the last seven years by our reports of inquiries and investigations. Sure, these reports were born of boredom and frustration. But the results were of great significance. When you consider—and I merely mention them today—the Report of the Special Committee on Manpower and Employment, the Report of the Special Committee on Land Use in Canada, the Report of the Special Committee on Aging, the Report on Consumer Credit and the great Report on Divorce, you will realize that we have been busy people herefor the last seven years.

Hon. Mr. Choquette: Whatever happened to them?

Hon. Mr. Croll: A great deal happened to them.

Hon. Mr. Choquette: Yes?

Hon. Mr. Croll: A great deal happened to every one of these reports. They were not shelved, not one of them.

Hon. Mr. Connolly (Ottawa West): Legislation came out of them.

Hon. Mr. Croll: Of course; and when we reach committee I will be glad to answer at length the question concerning what happened to these reports, and I will deal with each one of them individually. But we have proved one thing: we in this chamber are not men and women of the past who want things of the past.

There are professional belittlers of the Senate who continue to play, repetitiously, a cracked record about this body. They do not know what they are talking about. The Senate which they condemned does not live here anymore. It has not been here for about ten years. The reformation began quietly in its own way. It is being done from within. In my view there is nothing wrong with the Senate that more work and responsibility could not cure. To date we have never been tested; our potential has never been totally used. It is time we stopped apologizing for the Senate, particularly for the Senate which no longer exists.

The Economic Council of Canada in its hard-hitting annual report, which you have before you, issued an invitation to the Senate. It might better be called a challenge to inquire in depth concerning, and to propose

solutions respecting, problems of poverty in Canada. The exact words of the Economic Council on pages 136 and 137 should be reviewed. I quote:

> The Senate of Canada might consider the advisability of creating a committee to enquire into the problem of poverty in Canada. An earlier Senate enquiry into the problems of land use in Canada helped to bring about the Agricultural Rehabilitation and Development Act (ARDA) in 1961.

That is part of the answer to Senator Choquette's question, though it is only a small part.

> The inquiry we propose would deal with all aspects of poverty, urban and rural. Many excellent witnesses, both Canadian and foreign, would be available to appear before the committee, whose work could also be aided by a small but competent research staff. The work of such a committee could do much to define and elucidate the problem of poverty in Canada, and to build public support for more effective structure of remedial measures.

The present motion is drafted in response to that challenge, and the language is drawn in the words of the review which I have just quoted.

Now, the motion that I have put forward is deliberately stated in broad terms. I propose that a committee be formed to investigate and report upon all aspects of power and poverty in Canada, and I hope it will not be misunderstood as to the purpose of the wording. It is to ensure that the committee does not find itself restricted in carrying out its task. The spirit in which I am proposing that the committee be established is one of urgency and a need to get action now.

Obviously the action objective will not be achieved if the committee regards the investigation of all aspects of poverty as an objective in itself. In that case it would be setting up an assignment to last many years. We would be instructing the committee to be still hearing witnesses while public opinion and public policy developed through other channels without benefit of the committee's report. If our committee is to make a worthwhile contribution, as I believe it can, it will have to be clear on its priorities as to picking its areas and, by a thorough investigation of those, arrive at early and practical conclusions.

If this is the spirit of the Senate's wishes, of course it will be up to the committee to settle on its most useful lines of work. But there are some clear pointers and I think we should all be aware of those even before a decision is made to establish a committee.

The recent report of the Economic Council of Canada has articulated the concerns that have led many of us to want to take the kind of step that is proposed in this action. The Economic Council in its analysis has also confirmed the view of the problem that I know is held by many other people who have looked at it most closely. In Canada over recent years we have been getting most of our general policies and programs into a shape which makes possible some solution of the hard core poverty problem. What we still lack are effective mechanisms for making the possible actual in the lives of individual men, women and children who are trapped in a vicious circle of poverty-perpetuating circumstances, people who are out of the mainstream of our economic and social progress and who have no chance of getting into it unless they receive intensive individual help on a basis that is available in far too few cases today.

We cannot get the answers by any small, narrow investigation. We have to look searchingly and thoroughly at the poverty problem. Poverty over the years has changed but has not vanished. Patronizing poverty, as we have done in the past, will get us nowhere.

The council rendered a public service to Canada by drawing attention to poverty in this forthright language:

> Poverty in Canada is real. Its numbers are not in the thousands, but the millions. There is more of it than our society can tolerate, more than our economy can afford, and far more than existing measures and efforts can cope with. Its persistance, at a time when the bulk of Canadians enjoy one of the highest standards of living in the world, is a disgrace.

The council's review goes on to point out that poverty in Canada in the midst of plenty is largely invisible. We have to look around a bit. It points out also that poverty is a relative concept.

> The situation of those Canadians whom the majority of their fellow-citizens would deem to be suffering from poverty is hardly to be compared with that of the street-sleepers of Calcutta.

It also points out that poverty is not identical with simple income deficiency, although this is an identifiable thing in respect of which some relevant statistics are available. It is also a state of mind which I cannot stress too strongly.

Recently I read in a book of a man who had come from a poor home and who had done very well. He made this statement, which I thought was worth repeating: "We were never poor, only broke." In this sense poverty is always relevant to space, time and the state of mind.

But to some people it is very real. It was real to a man whose picture appeared on the front page of the Ottawa *Journal* on September 9. He might have been sitting next to me or to you, a nice, clean, fine-looking man. He was in a protest march and was carrying a sign which said "Being poor is Hell". Now it is difficult enough to be poor without having to prove it and to admit it, and in the lottery of life this man has drawn a blank.

Before we get further into the subject, I need to cover another topic. Public welfare is a halfway house; it has become a system of handouts, a second-rate set of social services that damages and demeans its recipients, and the program has become bankrupt. But I do not accept the specious charges that welfare lists are packed with bums, deadbeats, con men and loafers. My question is whether the welfare programs serve the poor, and effectively assist those who can be redeemed from poverty. Up to the present time it does in some way seem to have served the poor, but not very many welfare recipients have been rescued from it. The need is for the incentives which are lacking, the right to earn without penalty. These are things that must be given instant consideration.

Public relief in our country has become a blueprint for continuing dependency, and perpetual custodial status. We have in our midst a separate group of public relief recipients who for generations have been subject to a bureaucratic kind of process, one which has demeaned their dignity and destroyed their initiative. The need is to bridge the gulf of misunderstanding which exists between the children of the dependent and the children of the affluent, between the past and the future.

Statistics indicate that there is a 50 per cent increase in the number of people on welfare this year and, of those, employable recipients make up 20 per cent. Because of the high cost of living many families are finding their income is not much higher than that which they would receive on welfare.

We agreed that the welfare system does not work. That conclusion has been reached by social workers, academics and administrators, and is heard across the country. It has been accepted by economists, businessmen and politicians. As a replacement for welfare there has been increasing attention to an annual guaranted income, and although this goes deeply against religious ethics, the concept is gaining support.

Many people connected with welfare have come to the conclusion that the present system is so insanely set up that it defeats its purpose. For every person on welfare there is at least one equally poor who through pride or ignorance or failure to fit into a certain category is not benefiting at all.

I started out by saying that this system came out of the depression and was built in a hurry. Here we have a system which originated in the 1930s, and in the 1960s it is outdated because it was designed to help persons who were temporarily victims of the depression of the thirties. It is an inadequate system which fails to provide a decent level of support to many of the people it is supposed to help. It is uneven. The assistance differs very widely from province to province and even within a province. There is fragmented federal assistance which is spread over many, many categories, and it is self-perpetuating. There is little incentive offered for most employable welfare clients to go to work. Thus a person who takes a low-paid job may be no better off financially for his show of initiative.

It is destructive of family life because today fatherless families are looked after; thus, we often find a father leaving the family in order that the family may obtain relief.

Those on welfare are constantly compelled to prove financial need and to submit to investigation and re-investigation. Some would rather go without than suffer the humiliation.

The study of the causes of poverty is the study of the causes of the degradation of a large part of mankind. Privation, which was the common lot of those who worked without special skills half a century ago, was ended by output which, however imperfectly it may have been distributed, nevertheless accrued a substantial amount to those who worked for a living. The result was to remove poverty from the problems of the majority to that of the minority; it ceased to be the general case and became a special one.

Yet poverty does survive. There is no firm definition of this phenomenon, and no precise definition is needed. People are poverty stricken when their income, even if adequate for survival, falls behind that of the community. Then they cannot have what the larger community regards as a minimum necessary for decency, and they live outside the grades or categories which a community regards as acceptable. A very large percentage of these low income earners are in agriculture.

One kind of poverty has something to do with the desire of a comparatively large number of people to spend their lives at or near the place of their birth. This homing instinct causes them to bar solution, to escape the island of poverty in which they are born. Meanwhile, the poverty of the community ensures that educational opportunities are limited, that health services are poor, and that subsequent generations will be ill-prepared for mastering the environment in which they are born. Modern poverty is not efficiently remedied by a general or well-distributed advance in income. The affluent society should secure for all who need it the minimum income essential for decency and confort. The corrupting effect on the human spirit of a small amount of unearned revenue has been exaggerated as, indeed, have the character-building values of hunger and privation.

To secure for each family the minimum standard would help ensure that misfortunes of parents were not visited on their children. A poor society had to enforce the rule that persons who did not work could not eat. An affluent society has no similar excuse for such rigor.

The first step in attacking poverty is to see that it is no longer self-perpetuating. If the children of poor families have first-rate schools, if the community has sound health services, if it has the opportunity for advanced education for those who qualify for training and re-training, there is a good chance that the children of the poor will come to maturity without grave disadvantages. Poverty is self-perpetuating because the poorest communities are poorest in the services which eliminate poverty. We ignore poverty because we share the capacity for not seeing what we do not wish to see.

Some have said that poverty is not a disgrace, but it is damned annoying. In Canada it is annoying and a damned disgrace. I said that poverty in Canada is a disgrace. That is what the Economic Council said. It is also a unique shame—poverty in the midst of affluence.

The poor are constantly in a state of dependency. They lack political, economic and social bargaining power, and they seldom have the opportunity to learn the skills of initiating, organizing, advising and decision-making. Unequipped for anything but receiving orders, and never giving them, they are doomed to that role almost for the rest of their lives. Then, through the process of child-parent identification, they pass it on to their children, so that dependency is learned and reinforced.

It is true that some five million Canadians are at or below the poverty level. It is also true that something is being done about it, and the situation is at least better than it has been for some time.

What we need today is change rather than reform. This is an age of revolt. Young people are rebelling against our way of life; it is not unique in any generation for youth to rebel against the subtle and complacent society into which it advances. In my youth we rebelled. We lacked the beards, long hair and love beads, but we rebelled even longer and perhaps more angrily, but on a more fundamental ground than the youth of today. I do not remember that we ever threatened to burn down the schools unless we had our own way. We also washed and bathed.

Some of the figures in the Economic Council's report are appalling. No less than 70 per cent of fishermen, trappers and hunters, 57 per cent of loggers, 56 per cent of farm workers are in the low-income categories—not to mention those trapped in city slums. The call is for action, and the nation can no longer afford to tolerate what is called a national disgrace.

The report of the Economic Council is outstanding. The real dimensions and the nature of poverty in this country remain largely unknown, for we take the definition of poverty originally proposed by the Dominion Bureau of Statistics, under which a family is obliged to spend 70 per cent of its income on basic essentials of food, clothing and shelter, leaving only 30 per cent for all other requirements and amenities of life.

Many people will question the accuracy in their measure of poverty. The fact is that we know too little in this country about the new kinds of poverty which are prevalent in the late twentieth century industrialized society. We can no longer gauge poverty by indicators

of the nineteenth century. The marks of poverty today are more subtle and more complex. So we must first know what poverty is, how widespread it is, and what forms it takes. This we do know, that poverty breeds poverty, and poverty is perpetuating.

Let me carry this analysis a little further. There are two main kinds of poverty problems facing us. First, there are the people and families that have no possibility whatever of earning an income which will bring them above the poverty line, however we define that line. That may be true of the chronically sick and handicapped, the aged, of households in which school-age children are fatherless. In this kind of circumstance, where there is no possibility of a full-time breadwinner, the prevention of poverty depends on social security programs, welfare and social assistance programs, or whatever label one wants to use for the various categories of assistance.

In these fields our Canadian measures are extensive in comparison with most countries, and of late they have been greatly improved. I am thinking of the Canada Pension Plan, the Old Age Supplement which provides a degree of guaranteed income, and the Canada Assistance Plan which, if the provinces so wish, provides half the cost of assistance on a very flexible income test.

I am not suggesting that our income maintenance measures are complete. Obviously, from their practical application, they are not, but it is equally clear that the intent is there, and so is a great deal of appropriate machinery. Our problem is in finding out why there are nevertheless many cases in which the necessary maintenance is not provided on a scale sufficient to save families from acute destructive poverty.

That is one kind of poverty. There is a second kind, and here I am referring to cases where the primary difficulty, at least, is not that a family lacks a member of the labour force. The problem is that that worker does not earn enough. We may be dealing here with long-term unemployment, or with the under-employment of the marginal farmer or fisherman, or with the seasonal casual nature of such jobs as are available to many people in many areas of this country.

I do not suggest that they are necessarily the most frequent. In some areas they probably are, and in other areas they certainly are not. But, in many areas tragically there are many cases where families are poor, despite having a man or a woman who is or who could be employable, because that person is not in fact able to work steadily and effectively at decent wages. Here, surely, is the basic and stubborn problem we have to solve. It is not one of income maintenance or assistance; it is a problem of how to make employment opportunities effective for those whom they now pass by.

If that diagnosis is right—and I think it clearly is—the main measures needed are the two upon which the Government has embarked. They are manpower programs, and regional or area development programs, which include counselling, placing and employment. Yet, the results are something less than those of which we can be proud.

Honourable senators, let me give you a classic example. I have been talking about the man who goes to work, and who works as best he can, but who does not earn enough money to keep his family together. I am talking about a plant in Picton, Ontario, which is near Belleville and Peterborough, and not very far from Kingston. It is a town of 5,000 people in the heart of that area of Ontario. There is at this time a strike at the Proctor-Silex Company plant there which has been reported on in the press. There is a man—there is no need for me to mention his name, but if any honourable senator is interested in knowing it he will find it in the Toronto *Telegram* of October 3, 1968—who works at repairing irons in that factory. In the week before the strike he worked 39½ hours for which he was paid $54.12. After he had paid his unemployment insurance, his income tax, his Canada Pension Plan instalment, and his hospitalization payment, he wound up with $39.73 which he took home. He has two sons of high school age. Another case is cited of a woman who worked for 20 hours and received $17.89. Workers at the Canadian General Electric Company's plant at Barrie receive $2 an hour, whereas these people receive $1.37 an hour.

The Toronto *Globe and Mail* was very disturbed about this whole situation, and it is interesting to read what they say about it. In an editorial in the issue of September 30, last they say:

> Ontario should have a minimum wage at present of $1.50 an hour, and it should apply to every worker.

The editorial continues:

> The cry will of course be raised that such a minimum—and it should be only a beginning, there should be constant review—would push a lot of companies out of business. The cry would not

always, or perhaps even often, be true. Forcing many companies to pay decent wages would force them to become efficient. But where it is true, the brutal honesty of the situation is that such companies should go broke. If they cannot survive without being subsidized by their workers, they damage the economy as well as the workers. They should go to the wall and leave room for companies that are efficient enough to concentrate on what Canada can do well, and do competitively.

Those are harsh words, but are they not deserved? I share the view that a plant has a social responsibility to the community as well as its shareholders. Is not this the sort of thing that keeps these people in perpetual poverty? These people do not have a choice of more than four or five plants at which to work. Such plants as this locate themselves in communities where there are married women who can work part time, and they are quick with their fingers and do good work. But the men and women who live in these communities never get an opportunity to rise above the situation in which they find themselves, and this is one of the things to which we have to give some thought.

As I pointed out earlier, the report of the Economic Council will increase our interest in a guaranteed annual income. They say that we ought to study it. So, it is no longer "Pie in the Sky", but a star of hope for the poor.

The Beveridge Report came out in 1942, and honourable senators will remember the cry that it would provide security from the cradle to the grave, and from the womb to the tomb. It contained provisions for all people in the manner of social security. That report came out of a study made by the London School of Economics, in which the Laskis were prime movers. To this day there have been very few changes in it, but the one new, original, and creative contribution that was made to it, and effectively made, came from this chamber when we, in our report on aging, recommended the guaranteed annual income, and which the Government accepted. And, we did more than that. When the Government accepted that, they did away with the means test—something that was not only mean, but something that perturbed the people. When we did what we did in bringing about these two reforms we enjoyed one of the finest moments that the Senate has had in many years.

Some of our most important welfare programs have an aspect of universality. We have got to take another look at these programs, as we have already looked at Old Age Security and made it meaningful to those in need, for the payments made under the universal programs are very often quite inadequate.

The Economic Council of Canada has reminded us that more than 40 per cent of our non-farm population live in conditions which are a disgrace; that millions of Canadians live lives of entrapment and hopelessness. There are families where the "culture of poverty" has been transferred from one generation to the next and there seems to be no way for the new generation to break down the vicious circle.

We are now starting to hear in this country much talk about selectivity. It is a modern term for the means test. The right-wing groups are speaking of it, and some well-meaning people do not appreciate its full significance. If you select and divide, you divide the rich from the poor, which is exactly what we are trying not to do. We will create a chasm which will never be bridged and will divide us even more. It creates artificiality, or at least by official recognition emphasizes an inequality of dignity between two social groups, between the one who aids and the one who is aided. This social segregation is an affront to the dignity of the whole population.

Selectivity instead of universality is a blind alley. It is a beautiful theory but it will not work, and we have had our experiences of it in this country. Universality is simple to administer, pays benefits to everybody and we get the money back at the end of the year from those who pay income tax.

While poverty remains a social problem of the greatest urgency, it weakens our productive capacity and our efforts towards national unity. There are no magic solutions, but in the course of the study there will be opportunity for experimentation and pilot projects. We shall have to take some risks, and perhaps have some failures in our efforts to find new ways to abolish the misery in our midst. In the course of our study we shall have to turn to the poor for their ideas and their participation.

It is not an easy task. The challenge of the Economic Council is a very simple one. How can a great attack on poverty be waged, involving possibly the guaranteed minimum income, housing, health, education and other needs which are tremendous, not forgetting the upgrading of the Eskimo, Indian and

Metis living standards and many other aspects of their lives, without at the same time impoverishing the taxpayers? It is not easy to answer that question, but there will be need to co-ordinate the present anti-poverty policies, to revaluate them, to re-appraise them, and we shall have to question the adequacy in the present orientation of some of the universal allowances.

Let me say this, and with it I will finish. The relationship between poverty and violent society must be watched. The welfare state is outmoded; the welfare balloon has just about burst. Soaring costs and soaring rolls spell crisis. We Canadians have met the challenges of war; we have met the challenges of climate and the challenges of a vast country with a small and sometimes divided population. One of the greatest challenges to us today is whether we can show the foresight, courage and vision to guarantee to our young people that they will be properly trained for the future, that there is an opportunity for them in Canada to live a normal decent life in a poorless society.

It is not an easy task that we have undertaken, or that we are called upon to undertake. The Senate has risen to the occasion in the recent past, as the Economic Council was kind enough to point out. We must do our best to rise to the present occasion. In doing this we should tackle the problem in depth and endeavour to ascertain the root causes of poverty, to define poverty in so far as it is capable of definition, to propose practical solutions which are within the power and capacity of the state to provide, and which will preserve the inherent dignity of every Canadian. We must look not merely for temporary palliatives or handouts but for long-term goals towards which we may work in order that poverty in the midst of plenty may ultimately cease to exist in this country. We cannot forever tolerate what are sometimes dismissed as mere "pockets of poverty" when these pockets are as large as those in a clown's costume.

We will apply ourselves above all to the problem of how to make government programs come alive for the many hundreds of thousands, even the millions, of Canadians who are now on the outside of the society of which we are otherwise justifiably proud. In the rough arithmetic of the Economic Council there are 17 million of us inside and four million of us outside. The real war on poverty in Canada will be a co-ordinated effort to remove the many kinds of obstacles which stop the four million from joining the 17 million. Much has been done and is being done to create some of the necessary paths. However, much remains to be done to help people on to those paths.

I suggest, honourable senators, that through an inquiry such as I am proposing this Senate could contribute greatly to the development of the necessary kinds of action. I invite all honourable senators to participate in this debate, because it is important that whoever is on the committee should have your views now before the committee organizes itself. These views will be helpful to the committee. I ask you to support the motion.

On motion of Honourable Mr. Fournier (Madawaska-Restigouche), debate adjourned.

CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION ACT

BILL TO AMEND—THIRD READING

Hon. Paul Martin, for Hon. Mr. Langlois, moved the third reading of Bill S-5, to amend the Canadian Overseas Telecommunication Corporation Act.

Motion agreed to and bill read third time and passed.

SUPREME COURT ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, October 3, the adjourned debate on the motion of Hon. Mr. Phillips (Rigaud) for the second reading of Bill S-8, to amend the Supreme Court Act.

Hon. David Walker: Honourable senators, first may I pay tribute to one of Canada's greatest lawyers, Senator Phillips (Rigaud). He demonstrated his ability and his clarity of thought in the magnificent manner in which he enunciated what otherwise could be a difficult bill, containing the amendments to the Supreme Court Act.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Walker: Of my distinguished friend, the Leader of the Government (Hon. Mr. Martin), might I ask, in passing, whether these proposals in the amendments to the Supreme Court Act have been discussed with the Chief Justice of Canada and the judges of the court?

Hon. Mr. Martin: Whether they have been discussed exactly in the terms in which my honourable friend framed his question I can-

not say, but they have been discussed with the court.

Hon. Mr. Walker: Thank you. Honourable senators, I do not intend to recapitulate what has been so ably put by Senator Phillips. So many of these changes and amendments are necessary. For instance, as to clause 1, amending section 36, there is now a limitation on appeal—ordinary appeals coming up from the court of appeal of a province are limited to amounts in excess of $10,000. But now there is to be a further limitation, to limit an appeal to a question of law. Before, it was a question of law or fact or mixed law and fact. If the facts, as my honourable friend Senator Roebuck will realize and appreciate, are not settled by the time it gets through the court of appeal, they will never be settled. Therefore, this excellent amendment will save a great deal of time.

Clause 2, which amends section 39, should have been introduced in 1956, when section 36 was amended. This particular section refers to appeals *per saltum*, or appeals directly from the trial judge, overlooking the provincial court of appeal and going direct to the Supreme Court of Canada.

If appeals which have gone through the high court division of the Supreme Court, to the Court of Appeal, to the Supreme Court of Canada, are limited to cases involving amounts in excess of $10,000, then surely an appeal going directly from the trial judge to the Supreme Court of Canada should be similarly limited.

May I tell my friend Senator Roebuck—and I know the concern that he has for the poor, which he has expressed on many occasions—that his people are still protected, that those people who ordinarily would be excluded under this act are protected under section 41(2) of the Supreme Court Act—which we will be happy to discuss in committee, I am sure. This permits anyone, regardless of the amount in question, to go to the Supreme Court of Canada, provided he gets leave to appeal from the court. In deciding this the Supreme Court has cognizance of how important the matter is, what public interest it has, and how justice can better be done by allowing such an appeal.

I am sure my friend will be glad to know that in 1956, under this section, which we still have, there is that well-known case of *Jack Ross v. Her Majesty* (1955) S.C.R., p. 430. This case involved a fine of $10, yet leave was given by the Supreme Court of Canada. It went to the Supreme Court of Canada and was dealt with. A taxi driver in Toronto had a licence to operate in one municipality and from that municipality he went into another, parked on private property and was summonsed and fined $5. He took it up through the courts, right to the Supreme Court of Canada. It was felt that this was an important public question, that public interest and justice were at stake. I would think this is the most outstanding example for not requiring that an appeal should be limited to a matter of dollars and cents.

Hon. Mr. Connolly (Ottawa West): Did he win?

Hon. Mr. Walker: Fortunately, he won. It is most extraordinary that he should lose a trial, lose in the court of appeal, and then be granted leave by the Supreme Court of Canada to come and argue his case, and finally to win.

Clause 3 is important because an application for leave to appeal quite often resolved itself into a single judge hearing the application for leave. Now the question is settled: three will constitute a quorum. A quorum for leave to appeal is very important, because in that way one can sort the wheat from the chaff and cut down the number of appeals going to the Supreme Court of Canada, some of which are unnecessary.

Clause 4, as pointed out by my distinguished colleague, deals with habeas corpus. I can assure Senator Roebuck that this will be dealt with in committee. By this clause, instead of having concurrent jurisdiction, which was redundant, the Supreme Court of Canada will now be the final court on a matter of this kind and habeas corpus can come up in the usual way of appeal through the other courts, and finally arrive in the Supreme Court of Canada, if necessary.

Originally, of course, as you know, the application for a writ of habeas corpus could be made initially to the Supreme Court of Canada. This amendment is a time-saving and important change.

Clause 5 is very important because of the extended jurisdiction of the Supreme Court following the abolition of appeals to the Privy Council. It is a good thing that section 63 should be amended by clause 5. The Supreme Court of Canada until now has by statutory authority been guided by the rules of the Privy Council. As my honourable friend Senator Phillips knows, anyone who has been at the Privy Council has realized or been

cognizant of the fact that they really did not have many rules. They changed their procedure from time to time; and one did not know what to expect when one got there, nor did one know what to rely upon, because there really were no precedents. The Privy Council was so informal. Therefore, it is very appropriate that, in developing rules of the Supreme Court of Canada, it should be upon application by a party to the appeal, and should be decided by the Chief Justice then sitting or, in his absence, by the senior judge who is present at that time.

There are other clauses which were gone into by Senator Phillips (Rigaud), which do not require any further elaboration from me.

Honourable senators, I have been astonished at the overload of work in the Supreme Court of Canada. I have been going there for thirty years—though not so often since I went into the cabinet. We used to wait many months to get an appeal heard. At present there are 13 cases which have been carried over from the last session. That is a lot of cases in the Supreme Court of Canada. They opened their sitting on October 1, and they have a list of 65 appeals perfected and ready for hearing at the present time.

I am sure that others share my view, that they will not get through the Quebec cases before Christmas. This is a very serious matter, for it is a question of whether we are overloading the Supreme Court of Canada. As it is, they commence sitting the first of October, take a short break for Christmas, and work steadily through until the end of June. I think we are in danger of overworking the court. If we do that, the tendency will be either that the judges' health will suffer or that their efforts will become less thorough. I am sure that this particular Supreme Court of Canada Bench will never be accused of shirking its duties.

Hon. Mr. Connolly (Ottawa West): Hear, hear.

Hon. Mr. Walker: Having watched the work of the Supreme Court of Canada since the beginning of October, I have been astonished at the expeditious manner in which they dispatch applications for leave to appeal. On October 1 there were eight such applications: one was granted, one was reserved and the other six were dismissed.

My friend Senator Phillips is one who appreciates how thoroughly the court goes into these applications. The point is that such applications for leave are added to the work that the judges have to do in addition to the 65 major appeals they have to decide. On October 7, just yesterday, I noted that of nine applications for leave to appeal, two were granted, three were reserved and four were dismissed. I fear that if we keep on adding to the burden of the Supreme Court, the court could cease to function as efficiently.

I respectfully suggest to my distinguished friend the Leader of the Government in the Senate that he convey my apprehensions to the Minister of Justice, who I am sure has given some thought to this problem. Why should we allow appeals from the Exchequer Court to the Supreme Court of Canada? There may be exceptions. There may be something that is most extraordinary, but, as my friend knows, the Exchequer Court is a distinctive court requiring a vast amount of expertise to deal with cases involving patents, trademarks, copyright, income tax, and expropriation. Why should they not, as one of the great courts of our land, set up their own final court of appeal, sitting, of course, *en banc*? Why not do that instead of, without either qualifications or restrictions, allowing anybody to take the judgment of the Exchequer Court and appeal it to the Supreme Court of Canada? I might point out that 18 of the 65 appeals on the list of the Supreme Court of Canada at the present time are appeals from the Exchequer Court. As I have said, and as my friend the leader knows, the Exchequer Court occupies a field of its own, and to expect the Supreme Court judges to "bone up" on all the intricacies of these types of cases that I have mentioned is too much to expect. It is too big a workload and cannot continue to be properly discharged.

Hon. Mr. Connolly (Ottawa West): Would the honourable senator mind a question at this point?

Hon. Mr. Walker: Not at all, sir.

Hon. Mr. Connolly (Ottawa West): He says there are 18 cases now pending before the Supreme Court by way of appeal from the Exchequer Court?

Hon. Mr. Walker: Yes.

Hon. Mr. Connolly (Ottawa West): I simply ask a question for the purpose of the record and for our use in committee. Perhaps it might be possible for the officials to give the type of case that is involved in each of these appeals, whether it be trademark, copyright, tax appeal or patent case. I suggest this

because I think in certain cases there are distinctions to be made where appeals, at least on points of law, should be allowed from the Exchequer Court to the Supreme Court of Canada, even if only after leave is sought.

Hon. Mr. Walker: Thank you very much, senator. I think that is an excellent suggestion by the former Leader of the Senate, who also has vast experience in this field.

May I suggest, finally, that if we keep on overloading the Supreme Court, we are going to do the cause of justice harm. In the Supreme Court of the United States, where the pressure is tremendous, counsel are allowed only 40 minutes to present their case. Such a restriction is a matter of necessity. It is not desirable, but it is essential. In Canada, however, at the present time, we have no rule or time limit governing counsel. Oh, there is a slight time limit imposed on occasion, when the Chief Justice says, "Well, have you anything more to say now? Have you not covered that before?" But there is still no rule of the court.

Now, we do not want to have such a time limit imposed on our counsel in respect of the proper presentation of their cases to the Supreme Court, but I predict that unless we do something to relieve the work burden of the Supreme Court of Canada, it will inevitably follow that counsel will be so restricted in respect of time of presentation.

Those are my remarks, honourable senators. I trust, Mr. Leader, that this matter will be referred to committee. At that time I will have something further to say. Incidentally, if you want the matter dealt with expeditiously, send it to the Committee on Banking and Commerce, presided over by Senator Hayden.

Again I want to thank Senator Phillips (Rigaud) for making my task very easy because of his lucid explanation of the bill.

Hon. Gunnar S. Thorvaldson: Before the honourable senator sits down, would he please comment on one other change that might in time be regarded as desirable? I refer to the matter of counsel appearing before the Supreme Court of Canada. In the United States, as I understand it, there is only a small, special body of counsel entitled to appear before the Supreme Court of the United States. In other words, the court there is not burdened with junior counsel or men of little experience appearing before it.

Would the honourable senator like to comment on such a development in our court?

Hon. Mr. Walker: That may be an inevitable development, but it would be a pity if ordinary counsel were denied their day in court. I think of the number of cases I have been on in that court that would never have got there, because we could not afford senior counsel. I first appeared before that court 30 years ago, and it has always been my experience that no matter who you are, you get a tremendous and courteous reception. It does not matter how insignificant you might be. But it could come about that counsel will be restricted to a special elite body because of the pressure on the court and also the fact that well-trained Supreme Court counsel can halve the time ordinarily consumed by counsel inexperienced.

Hon. Daniel A. Lang: Honourable senators, may I seek the comments of the honourable Senator Walker in connection with one small but important matter having to do with the Supreme Court?

Last week I read in a newspaper an account of Mr. Gouzenko's appeal. You will remember that he was the person who gave information to the R.C.M.P. leading to the breaking up of a Communist spy ring in Canada. I am not really concerned with the substance of that newspaper account or with the substance of the appeal itself, except to say that the account gave the gist of the judgment of the court by Mr. Justice Hall, together with the gist of the dissenting judgment of Mr. Justice Judson. Such dissenting judgments are, of course, reported in our press from time to time.

The question that I would ask my friend to address himself to is this: in view of the fact that the Supreme Court of Canada is a final court from which there is no appeal, what is the worth of these dissenting judgments? In fact, does the publication of dissenting judgments not weaken the force of the court's final judgment simply by virtue of the fact of the expression of dissent?

I have often thought that the judgments of this court, being a final court, should be published only as a unanimous judgment.

Hon. Mr. Walker: In answer to that, Senator Lang, I would say that it is a very important thing that the lawyers of the present and future should know exactly what transpires during a final appeal. To that end it is necessary to have both the dissenting and majority judgments set out with equal prominence for posterity. This is very important because, in the first place, you see what the law is not,

because the dissenting judge has been overruled by the majority court. The dissenting judgment should be recorded, because lawyers could find great benefit from reading it and discovering why such an argument was not acceptable to the majority court. It is also important because the dissenting judgment may have great merit in it, enunciating expanded principles which some day may be acceptable in the evolution of our laws, although not now accepted by the majority court because of precedent or some difference in the interpretation of the law. It is most useful to have the views of all the judges, and then find out what the majority said and why the other argument, the dissenting judgment, was not acceptable.

Hon. Paul Martin: Honourable senators, commenting on the point that Senator Lang has raised, I wish to say that I fully agree with what Senator Walker has said. I should like, perhaps with less justification, to expand on Senator Walker's reply.

It is true that the Supreme Court of Canada is now our final court of appeal. However, this does not mean that it has not the authority to find occasion to take advantage of a minority opinion. What the Government had in mind when it decided to abolish appeals to the Judicial Committee was not that it was anxious to break away from that great source of common law practice and adjudication, but to give our Supreme Court of Canada an authority and status which it did not have, in spite of its excellence, because it was not a court of last resort.

When one considers the tremendous contribution to legal jurisprudence, for instance, arising out of the Supreme Court of the United States, one thinks of Brandeis and Holmes and their dissenting judgments. They may not have been decisive factors in decisions of particular cases in which the dissent was registered, nevertheless, they had effect in the building up of the legislative law-making power of the Supreme Court of the United States. I think it would be regrettable if dissenting opinions were not part of the record. It is desirable that advocates and judges should be able to peruse them in respect of subsequent cases. I think it was Mr. Justice Cardozo who said that some of the dissenting opinions of Mr. Justice Brandeis had more to do with the development of the civil liberties structure in the United States than some of the actual judgments in preceding cases.

While I understand what Senator Lang had in mind, I would think that those of us who are lawyers, even though we have not all had the same opportunity at continuous practice, do admire and feel strongly about the effect of judicial law-making, and would not want to see our final court of appeal robbed of what I think in time could prove to be a valuable instrument in the process of adjudication.

Of course this bill—and this is in answer to Senator Walker—will go to a committee. I may say that one of the reasons I rise at this time is not merely to comment on what Senator Lang had said, but to suggest that we might take advantage of what Senator Croll said on another matter earlier in the day. Should it be our custom in these matters to have only the speech of the person who presents the bill? Should the bill immediately thereafter be sent to committee?

It seems to me that we would do well to regard ourselves as being what in fact we are, a forum. On this bill I should have thought that it would have been profitable, particularly for those who are learned in the law, to have given this chamber and the country the benefit of their rich experience prior to sending the bill to committee.

I have said since I came into the Senate that I have been greatly impressed with the competence of the members of this chamber. We have in this body some of the ablest lawyers in the country. We are now engaged in the responsibility of initiating an amendment to the Supreme Court Act. We have profited greatly from the address of Senator Phillips (Rigaud), and we have now had a useful response by Senator Walker. I am sure that there are many other senators in this house who could make useful contributions to this particular debate. While I do not want to impel anyone now to do so, I wish to make the observation that, if not on this measure, on other measures that come before us in this house we need not feel that it is necessary at all times to leave the presentation to one person on either side. Some of these matters are too important to be robbed of the advantage of general discussion. While there is a searching examination made in committee, I think that a general discussion of a matter as important as this warrants the fullest debate prior to presentation to the committee.

I strongly commend these views to honourable senators and in doing so I warmly congratulate Senator Phillips (Rigaud) and Senator Walker and, of course, Senator Roebuck.

The Hon. the Speaker: It is moved by honourable Senator Phillips (Rigaud) and

seconded by honourable Senator Robichaud that this bill be now read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Flynn: I thought honourable Senator Phillips (Rigaud) was rising to speak. I do not know if he intended to reply to the remarks which have just been made.

Hon. Mr. Phillips (Rigaud): Honourable senators, it is not my intention to make any further observations at this time.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Phillips (Rigaud), bill referred to the Standing Committee on Banking and Commerce.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 49 to 144, inclusive, which were presented on Wednesday, October 2.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 49, for the relief of Bonita (Bonnie) Mary Barrett Romano.

Resolution 50, for the relief of Marjorie Ann Herman Rothstein.

Resolution 51, for the relief of Irene Mary Barbara Wojciechowski Riis-Christensen.

Resolution 52, for the relief of Barbara Gail Mauchan Tahamont.

Resolution 53, for the relief of Joseph Paul Arthur Robert Kellenny, otherwise known as Joseph Paul Arthur Robert Kellemy.

Resolution 54, for the relief of Hertel Dubois.

Resolution 55, for the relief of Fernand Gosselin.

Resolution 56, for the relief of Mary Margaret Fraser MacDonald.

Resolution 57, for the relief of Roland Quintal.

Resolution 58, for the relief of Marielle Maynard Saulnier.

Resolution 59, for the relief of Joseph Michel Jacques Arthur Trudeau.

Resolution 60, for the relief of Leila (Lilah) Levy Leon.

Resolution 61, for the relief of Barbara Lapin Rudberg.

Resolution 62, for the relief of Marie Blanche Fleurette Gariepy Larocque.

Resolution 63, for the relief of Claire Boyer Marcotte.

Resolution 64, for the relief of Norma Helen Morrison Lidbetter.

Resolution 65, for the relief of Jeannine Lazure Poirier.

Resolution 66, for the relief of Robert Harris.

Resolution 67, for the relief of Gloria Readman Cholette.

Resolution 68, for the relief of Rita Fishman Sherman.

Resolution 69, for the relief of Marie Pauline Lise Pepin Riendeau.

Resolution 70, for the relief of Daniel Cusin.

Resolution 71, for the relief of Jean Boisclair.

Resolution 72, for the relief of Jean Claude Lorange.

Resolution 73, for the relief of Pierre Campeau.

Resolution 74, for the relief of Robert Voyer.

Resolution 75, for the relief of Marie Therese Paquerette Plante Bourassa.

Resolution 76, for the relief of Joseph Alfred Auguste Pierre Lepine.

Resolution 77, for the relief of Marcel Courtemanche.

Resolution 78, for the relief of Joseph Bazil Francis Alphonse Collins.

Resolution 79, for the relief of Riva Canell Lemcovitch.

Resolution 80, for the relief of Elizabeth Rowe Stalk.

Resolution 81, for the relief of Maria Libra (Marlene) Di Staulo Choquette.

Resolution 82, for the relief of Paul Émile Poulin.

Resolution 83, for the relief of Abraham Cheszes.

Resolution 84, for the relief of Diane Gauron Verdy.

Resolution 85, for the relief of Andree Gosselin de Margerie.

Resolution 86, for the relief of Annie Shaw Young Goudie Corcoran Hughes.

Resolution 87, for the relief of Lawrence Everett Mitchell.

Resolution 88, for the relief of Paul Emile Leblanc.

Resolution 89, for the relief of Carol Shannon Menzies.

Resolution 90, for the relief of Charlotte Gagnon Beauchesne.

Resolution 91, for the relief of Rachel Shtul Setton (Seton) Feifer.

Resolution 92, for the relief of Mary Jean Hogan Grosvenor.

Resolution 93, for the relief of Madeleine Desjardins Coutu.

Resolution 94, for the relief of Louis Raymond.

Resolution 95, for the relief of Giuseppe Luigi (Louis) Natale Tassin.

Resolution 96, for the relief of Helen Arnby Cohn Tencer.

Resolution 97, for the relief of Thomas Campbell McDermid, otherwise known as Thomas Campbell MacDermid.

Resolution 98, for the relief of Mary Ellen Catherine Walsh Hutson.

Resolution 99, for the relief of Catherine Vasilakos Kivalon, otherwise known a Catherine Vasilakos Kivalou.

Resolution 100, for the relief of Aileen Florence Coubrough Kirkpatrick.

Resolution 101, for the relief of Margaret Adrianne Elliott Prendergast.

Resolution 102, for the relief of Marie Joseph François Xavier Boulais.

Resolution 103, for the relief of Guy Dalton Prince.

Resolution 104, for the relief of Mary Catherine Gail Flynn Fraser.

Resolution 105, for the relief of Jacqueline Isabel Morrell Bridges.

Resolution 106, for the relief of Tatiana Olshewsky Rabchuk.

Resolution 107, for the relief of Una Margaret Robson McLean.

Resolution 108, for the relief of Denis Stevens O'Shea.

Resolution 109, for the relief of Henri Gervais.

Resolution 110, for the relief of Andree Odette Lepage Muir.

Resolution 111, for the relief of Colette Marie Bernadette Viel Simunich.

Resolution 112, for the relief of Carole Ann Serventi Snelgrove.

Resolution 113, for the relief of Margaret Alva Thompson Thomson.

Resolution 114, for the relief of Elizabeth Anne Fisher Buie.

Resolution 115, for the relief of Joyce Browning Whitlock Neilson.

Resolution 116, for the relief of Jean Guy Campeau.

Resolution 117, for the relief of Mildred Jill Robertson Cosgrove.

Resolution 118, for the relief of Samuel Ross Wynands.

Resolution 119, for the relief of Mary Ileen Chesney McDonald.

Resolution 120, for the relief of Michael Slowko Strilchuk.

Resolution 121, for the relief of Margaret Elaine Hitchner Leblanc.

Resolution 122, for the relief of Marion Diana Burton Cairns.

Resolution 123, for the relief of Stanislaw Dunaj.

Resolution 124, for the relief of Catherine Dale Rouleau Porter Lewin.

Resolution 125, for the relief of Rena Roy Vachon.

Resolution 126, for the relief of Jean Joseph Fradette.

Resolution 127, for the relief of Fernande Phaneuf Keenan.

Resolution 128, for the relief of Gwendoline Mary Harris Winnicki.

Resolution 129, for the relief of Jovette Longtin Lemaire, otherwise known as Jovette Longtin Le Maire.

Resolution 130, for the relief of Doreen Hanson Pankhurst.

Resolution 131, for the relief of Maurice Auray Page.

Resolution 132, for the relief of Beverley Eileen Holder Reece.

Resolution 133, for the relief of Esther Druker Rosenbloom.

Resolution 134, for the relief of Louis Hudon.

Resolution 135, for the relief of Gloria Daisy Tyson Fortier.

Resolution 136, for the relief of Carol Bernice Simms Morris.

Resolution 137, for the relief of Virginia Carol Powell Gariepy.

Resolution 138, for the relief of Christine Kollenz Hottot.

Resolution 139, for the relief of Rene Derouin.

Resolution 140, for the relief of Doris Dorfman Garber.

Resolution 141, for the relief of Mary Bridget (Brigid) Ryan Harding.

Resolution 142, for the relief of Marilyn Dexter Robertson Lemieux.

Resolution 143, for the relief of Edouard Pelletier.

Resolution 144, for the relief of Claire Dubuc Dionne.

Resolutions adopted, on division.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, I have miscalculated the length of our sitting this afternoon. Since I had made certain arrangements with other honourable senators regarding the work of the house this evening. I move that we now adjourn during pleasure.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

CENSUS AND STATISTICS

REFERENCE TO COMMITTEE

The Senate resumed from Wednesday, October 2, the adjourned debate on the motion of the honourable Senator Carter that a committee of the Senate inquire into and report upon existing legislation regarding the census and statistics and upon the admin.stration of such legislation and recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital and efficient aid to the good government of Canada and the advancement of private business in the public interest.

Hon. Douglas D. Everett: Honourable senators, in rising to speak to Senator Carter's motion for a special committee of the Senate to inquire into the collection and analysis of statistical data in Canada I would like first to congratulate Senator Carter on the lucid presentation of his case. I listened to him with great interest and was impressed; and I have become even more impressed on reading his remarks in *Hansard*. Happily, his presentation enables me to be extremely brief.

Honourable senators, Senator Carter's case appears to me to be this. If you accept the fact that it is likely the best decisions are those that are made and based on the best information, then you will be inclined to make sure that the information you have is up-to-date, as complete as possible and extremely germane to the subject at hand. And if you accept the fact that Canada, while a small nation, is also a nation that is striving for excellence, then I think you are bound to accept the fact that our decisions must be better than those of any other nation in the world, and that it is axiomatic, therefore, that the information we receive and upon which we base our decisions must be better than that of any other nation in the world.

At the present time it is interesting to note that the Government of the United States is agonizing over its statistical information services, and yet it is my understanding that they are the most complete in the world, the most pervasive and the most up-to-date. Yet we are saying that if we have to make the decisions upon which Canada can survive and improve itself, those decisions must be better than, and therefore our information services must be better than, those of the United States.

What is the situation? The Dominion Bureau of Statistics operates under the Statistics Act of 1952-1953. While there have been amendments, there has not been a general revision of that act since the date I have given, but, as Senator Carter pointed out, we should look at the changes that have taken place in that period of 15 or 16 years.

Senator Carter has given evidence, if it were needed, of the tremendous growth in the Canadian economy. We are all unhappily aware of the tremendous growth of government in Canada. What is more important than the growth of government itself is the growth of the areas of concern of that government.

Government today is involved in aspects of social policy that it did not begin to think of at the time the Statistics Act was passed in 1953. But we do not even need to look at that fact, for there is another that is even more important, and that is the change in the method of compiling and analyzing statistics. The change in analytical and gathering methods between 1952 and 1968 is nothing short of revolutionary. On account of that Senator Carter suggests, and I think quite rightly, that the time has come to look at our statistical information gathering services.

Senator Carter says we want to know whether the information we are getting on the particular subjects in respect of which D.B.S. is reporting is complete. We want to know how great the time lag is, for it does little good to have information if that information is six months or, as in one case Senator Carter referred to, three years old. We want to know whether in certain sensitive aspects of our economy we lack statistical information.

What Senator Carter is saying is: Let us bring together all of those people who have knowledge of the particular subject of statistical information gathering, and let us hear their views. Here he is referring to scientists, educators, businessmen, and those people in government who know about this subject. What he is saying is that there is no better place for them to appear, no better forum, than an inquiry committee of the Senate.

It is my belief—and I have stated it in this house in the past—that the Senate should make the widest possible use of its power of inquiry. I do not underestimate the value of the legislative function of the Senate. It is indeed an important one. The Government Leader perhaps opened up a whole new area of work when he talked about the Senate being a debating forum, and that is a most interesting aspect. But I suggest that the best work of the Senate in the past has been done in the area of inquiry, and that is where its best work will be done in the future.

I endorse Senator Carter's motion because it is so well based. I believe there should be an inquiry by a Senate committee. However, I make one qualification. A committee of inquiry must have every opportunity to succeed in its work. Accordingly, before proceeding with the setting up of such a committee I would like to know the views of the Dominion Bureau of Statistics on this whole subject of the inquiry. If we are able to sit down and talk to them we would quickly find out the parameters of the inquiry which we propose to undertake. I hope that Senator Carter will see fit, before a special committee is set up, to refer this matter to one of the standing committees of the Senate so that it may hear evidence from the Dominion Bureau of Statistics. Then, having heard that evidence, and having determined where, in the Bureau's view, the problem lies, the Senate will be far more capable of determining precisely what sort of an inquiry it should undertake.

Hon. Paul Martin: Honourable senators, I too would like to congratulate Senator Carter on the motion that he has presented to us, and I have noted with interest the suggestion made by Senator Everett.

Senator Carter's proposal makes reference to an important part of our governmental structure, the statistical system. As honourable senators are aware, this consists in large part of the Dominion Bureau of Statistics operating under the authority of the Statistics Act, which is the existing legislation to which Senator Carter referred. The statistical system provides the basis on which to an increasing extent our political, social and economic institutions depend for the information they require in making important decisions and in managing their affairs, as we were reminded a few moments ago by Senator Everett.

This point was emphasized early this year by the chairman of the Economic Council of Canada, to whom Senator Croll made reference in another context this afternon. The chairman of the council said in part:

> To a growing extent, the modern economy is coming to run on knowledge and information which needs to be taken into account in economic decision-making at all levels, whether by consumers, by private producers and distributors, or by governments. Moreover, to use this resource most effectively in our modern society the information inputs cannot in most cases be raw or casual information. To be really useful information needs to be an organized, a processed, a worked-over product; It must be in readily applicable form. It needs to be accurate. It needs to be available in a timely way. And it needs to be relevant to decisions.

He concludes:

> In short, good information is indispensable to good decision-making and to the efficient performance of modern economy.

Honourable senators, this year the Dominion Bureau of Statistics celebrates is fiftieth anniversary. It has been characterized, I believe, by both growth and modification as new and different needs have developed. This has been particularly evident during the last six years as operations of government and industry have become more complex. Both the D.B.S. structure and its legislative basis have constituted the pattern for other statistical organizations within Canada and abroad.

The Statistics Act, which was passed in 1918 and amended from time to time since, the last being in 1953, has in general served the needs of the community and the bureau as well. There have been many suggestions for improving the Canadian statistical system, from royal commissions and from such agencies as the Bank of Canada and the Economic Council. In many cases it has been possible to adopt these suggestions within the present act, and I understand these are being implemented or are planned for the early future.

Some people and organizations have encountered difficulties arising from the existing legislation, as we were reminded by Senator Carter, arising mainly from the protection afforded respondents, but the legislation has been regarded by other observers as a useful safeguard to the Dominion Bureau of Statistics and to those who provide it with confidential information. I am sure we all remember the initial efforts of Dr. Coats, the Dominion Statistician, whose name will ever be associated with the work of an instrument that has been regarded by the world as an exemplar in this field.

Some years ago the Royal Commission on Government Organization, known as the Glassco Commission, made a thorough review of federal statistical services, found the system generally good and made a number of recommendations, most of which the governments of Canada have implemented. It is my impression that there were no substantial recommendations regarding legislation at that time. However, for some years the bureau itself had felt that certain changes in the act would facilitate some of its operations and would enable it to meet more fully the needs of users who seek additional services. In May 1967, at the sixth federal-provincial meeting on statistics, officials of the bureau and of provincial governments discussed legislation fully and reached the conclusion that there was room for useful changes.

Since then, officers of the Dominion Bureau have undertaken an exhaustive review of the present act and, with provincial officials, have studied its relationship to similar provincial legislation. The process of consultation with interested groups is expected to continue and to result in a proposal to the Minister of Trade and Commerce for changes, which the minister is likely to present to the cabinet about the middle of next year. Such suggestions for legislative changes as are acceptable to the Government will then be submitted to the Senate and to the other house. This will give the Senate an opportunity for a general discussion of the statistical system and will permit it to make such recommendations for changes as are indicated by the needs of the community.

I may say that the range of D.B.S. activities is such that a broad review could be very lengthy, if the Senate wished to delve into the numerous subject matters covered. In addition to the well-known work on economic statistics, comprising trade, manufacturing, prices, transportation, agriculture and the census, the bureau covers education, health statistics, judicial and vital statistics, as well as a growing volume of financial statistics. Then there are the broad aggregates of the national accounts and the balance of international payments. These are all very important in assessing the state of the economy and in planning for the future.

Honourable senators, the Senate Committee on Science Policy, under the chairmanship of our colleague Senator Lamontagne, has indicated that it proposes to look into the social sciences as well as the natural and life sciences. The work of our Bureau of Statistics is largely directed at providing data for the social sciences, broadly interpreted; and the committee may well wish to make some observations on the bureau's program, in its report on science policy, towards the end of the present session.

I would expect that honourable senators would wish to have these comments, when it comes to making an appraisal, if it does, of the desired statistical legislation and the administration and the need for changes.

The resolution before us calls for a committee of the Senate to inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation, and to recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital and efficient aid to the Government of Canada and the advancement of private business in the public interest.

In view of the fact that there will be legislation next year, and bearing in mind that we might not wish to overlap, I am wondering if the suggestion by Senator Everett is not a wise one, in the circumstances. It does not preclude an acceptance of the proposal itself: it merely suggests that the subject matter of the legislation, or the resolution itself, if that is within our authority, be sent to a standing committee for the purpose of hearing the Director of the Bureau of Statistics, or his representative, explain the program that they have in mind with regard to the proposed legislation.

It seems to me that this might be a wise first step, one that does not bar acceptance of Senator Carter's idea but does give us an additional opportunity of appraising at what period we should begin this work, if indeed the proposal is accepted by the Senate.

If that is agreeable to Senator Carter, I would point out to him that under the rules we would require a further motion, notice of

which could be given tomorrow, naming a specific standing committee or appointing a special committee.

My own view is that in the circumstances it would be wise to refer the matter to a standing committee for the purpose that Senator Everett mentioned. In this way we would be reinforced with the information that we would want to have before us to determine when the study should begin.

Hon. Salter A. Hayden: Honourable senators, I am a little puzzled by the point of view expressed by Senator Everett and also by the Government Leader on the matter of a delay in our consideration of this motion. To me there is nothing unusual in the motion.

Many times in the Senate during the period that I have been here we have had motions of this character, motions that have been put forward to inquire into and study certain existing legislation in order to determine whether that legislation at the time in question was functioning to the fullest advantage of the public interest. This is all that this motion does. The fact that there may be some purpose to be served by such an inquiry is evident from the statement the Government Leader made that this subject is within the contemplation and even now under active consideration by the Dominion Bureau of Statistics and elsewhere, which may lead to some proposals by way of legislation next year.

Over the period that I have been in the Senate, many times I have heard the view expressed in committee as to a reason why we should not do something. On some of those occasions I have accepted that view, but I have waited two, three, four and five years for the next step to occur. There are some cases I could enumerate in which those steps have not as yet been taken.

I see nothing wrong with this motion. It is no reflection on the administration of the Dominion Bureau of Statistics. Times have moved along, and if there is a greater need to perfect our statistical system, and this would appear to be within the viewpoint even of those who are performing these functions, then there is no reason why we should not study it. Perhaps in the circumstances, a Senate committee inquiry could give some good leadership in this line which would be of assistance and might produce even better legislation next year, if it comes before us next year.

As to the proposal of referring the substance of this motion to a committee to determine whether or not there is some merit in it so that it might be worth-while to have a full fledged inquiry, I have several answers. One is that I know of no procedure in the Senate without 100 per cent consent of the senators by which the substance of a bill can be referred to a committee. I mean the substance, rather than the bill or the motion itself. On many occasions in the period that I have been here the Senate has referred the substance so that senators might acquire some knowledge, and, therefore, could consider better, on a continuance of second reading, what their attitudes and viewpoints should be before giving the bill in question second reading. But in every case unanimous consent was obtained. Certainly if it is sought to refer the substance of this motion rather than let the motion take its course in the Senate, and if consent is asked, whatever the next step is, I am opposed to that way of dealing with it and I would certainly withhold my consent.

Hon. John J. Connolly: Honourable Senators, I do not propose to hold the house for more than a few minutes. It seems to me that probably we can have the best of all worlds, namely, the proposal of Senator Carter and the suggestion of the leader, and also the suggestion of the Chairman of the Banking and Commerce Committee, Senator Hayden.

I am very pleased, as I am sure all of us are, to hear the leader participate in this discussion and to talk about the function and role of the Dominion Bureau of Statistics. I am personally pleased that he should mention the founder of the Dominion Bureau of Statistics, Dr. Robert Coats, who perhaps was one of the world leaders in the field of statistics. He was consulted by governments of many countries when they established similar bureaus. I am sure that Mr. Duffett, the present director, is doing an outstanding job.

I recall that about a year or more ago there was a Commonwealth or world meeting of chief statisticians from various countries held in Ottawa. It was highly appropriate that they should meet here, because of the work that has been done by our bureau. We are most indebted to the leader for taking the trouble to delve into the functions of the bureau as he has done and to present his findings to us. I am very interested and I am sure we are all pleased to hear him say that the Government has a plan to look into the revision of this piece of legislation under which the bureau now operates. The question of data collection today is becoming more important as time goes on.

Honourable senators will perhaps remember that last spring I had the privilege of reporting upon a meeting I attended in Paris on behalf of the then Minister of Industry. It was a meeting of the science ministers of the twenty-two O.E.C.D. countries. I think of all the extra-curricular activities of the Government in which I have participated, perhaps this one was the most interesting and exciting. It was exciting because of the kind of discussions which took place, and it has proved to be even more exciting because a Canadian initiative was taken at that time at the instance of people from the Science Secretariat, the National Research Council and the Department of Industry. It has resulted in a very important step forward. That meeting was primarily concerned with the compilation and correlation of data both within and between O.E.C.D. countries in the field of science alone, but science in its broadest aspect. What Canada proposed, without making a resolution, was that if there was consent, there should be set up by O.E.C.D. a small committee to examine this procedure of collating and correlating data so that no matter in which of the countries it was developed it would also be available to scientists in all the others as well as in the home country. Perhaps a simple example will illustrate exactly what I mean. A man may be working in the field of physical chemistry in Ottawa or Toronto, in Queen's or McGill, and he may come across an idea that bothers him. He may wonder whether or not there has been any research done on this idea. If he has the facilities to feed into a computer the data that he has and asks questions to which he needs the answers in order to complete the work he is engaged on, then, whether that work has been done in Japanese, German, Finnish or Italian, and no matter where in the world it has been done, the proposal is that the answer would come out in his own language.

The leader of the American delegation Dr. Hornig from the President's office, who is a physical chemist from Harvard, was delighted with the Canadian proposal. He was afraid that if he made it some of the other O.E.C.D. countries might think that because it came from the Americans it should be automatically turned down.

However, the proposal was made and it was acted upon and Dr. Kristensen, the Secretary General of O.E.C.D., this summer appointed a committee of three people, one of whom was a Canadian. These three will in turn be in touch with industry, particularly the computer industry such as I.B.M. and others, for the purpose of trying to correlate or reconcile the systems within the different countries in various fields, which I think will be very much to the advantage of scientists.

In the profession of law, practised by so many of us, most of us will remember the long hours, especially in our earlier days, which we spent digging into the books and into the digests and wondering whether we had all the cases on a particular point. It is now possible to feed certain data into the computer and get a line of cases, and one can be pretty sure that one has practically everything that is available on the particular point.

Dr. Hornig spoke particularly about a test which he had made; he had asked the American Medical Association and certain medical schools in the United States, and the computer services, to set up a service designed to serve the medical profession and to supply certain data on a specific problem. He said he got a wonderful response from the American Medical Association and from the medical services, but he got the most complete response on the data available from the computer. As a result of this special test, he said that the method of doing it now so far surpasses the use of libraries and curtails the time that the use of libraries entailed, or the presentation of papers to learned societies, that it is almost essential in the field of science and will be increasingly so in other fields.

I think all of this is germane to the problem raised by Senator Carter. We all want to know whether Canada is in the van of progress in the assembly of statistics, and whether they are computerizing and whether computerizing is going to help. The more electronic devices we can bring to bear on such problems, the more we are a part of the western world.

It was interesting to observe at that meeting of ministers in the field of science that if the Americans were at a certain high level, and they are considered to be the leaders in the field, it was admitted by the Europeans that their level, relative to the Americans', was very low, particularly in the field of innovation and invention. I was particularly interested to note that the Japanese and the Canadians occupy a middle position, perhaps closer to the American than the European. The reason for this, according to Europeans, is that their own university systems are much too rigid.

I think all this has a bearing upon the problem Senator Carter has raised in his

motion, and I think the subject is worthy of study.

Hon. Gunnar S. Thorvaldson: Honourable senators, this has developed into an interesting discussion. I am sorry I was not present to hear all Senator Everett's remarks, but I believe I understand the gist of his proposal.

On its merits, Senator Carter's motion is interesting. I also think we are now involved in a matter of order and procedure in regard to the work of the Senate.

When Senator Carter introduced his motion we on this side did not know if this was merely a thought of his own, which was supported by Senator Urquhart, his seconder, or whether he had discussed it, as some of us presumed he would have done, with the Leader of the Government and others on the Government side and, consequently, it was the desire of the Government side to have such an inquiry. However, I will not discuss that further.

The point I want to make is that personally I do not see how the Senate can deal with this motion in any way other than that of either accepting or rejecting it. Senator Hayden suggests that it could perhaps be referred to one of our standing committees, with consent. I even doubt that.

Hon. Mr. Hayden: No. What I said was that that practice had been followed in the past. I did not say whether I thought it was in order or not.

Hon. Mr. Thorvaldson: I agree with you, and I question whether that would be in order. That is all I want to say on this point, but I do believe that this matter cannot be turned aside simply by referring it to a standing committee for the purpose of deciding whether the question is important enough to be investigated.

Hon. Mr. Martin: May I ask a question?

Hon. Mr. Thorvaldson: Certainly.

Hon. Mr. Martin: If I may put my question in the form of a positive statement, I do not think that was the suggestion put forward by Senator Everett. I think he suggested that this is a suitable matter to investigate. The question was whether or not we should consult the Dominion Statistician to determine at what time our studies should begin, in view of the fact that certain relevant legislation is in prospect.

Hon. Mr. Thorvaldson: I thank the honourable Leader for his observation. There is much substance in it and, of course, I would have expected that before this motion was made in the Senate there would have been some consultation with the Dominion Statistician or other officials of the department in regard to it—

Hon. Mr. Martin: There was.

Hon. Mr. Thorvaldson: —just as I would have expected there would have been discussions with the Leader of the Government in this house. This is an important matter, as has been indicated by so many senators.

I just want to say that it is our duty to deal with this matter on its merits. If the motion is passed, then we will proceed to the investigation. If it is not, then there will be no investigation. I make only this suggestion, that it is possible to refer this matter to one of the standing committees of this house rather than to a special committee. At this moment I have no suggestion as to what committee it should be referred to, but I do think it would be preferable to refer it to a standing committee, because the investigation of the problem there would be just as complete as that conducted by a special committee.

Hon. David A. Croll: Honourable senators, the discussion here has taken an unusual turn. I support Senator Hayden's view. I do not think that the purpose of this house is to become a debating society. The purpose of this house is to do some things that are necessary to be done.

I do not quite understand what Senator Everett had in mind. Senator Carter told this house that when the Joint Committee on Consumer Credit needed information in connection with its inquiry into the cost of living it turned to the Dominion Bureau of Statistics. I can say that the competence of the people who came to our assistance at that time was of the very highest order, but the bureau was short of staff and equipment. In fact, the bureau was short of everything that is required in order to give a proper statistical output. That matter was supposed to have been dealt with immediately—and that was two years ago.

Honourable senators, if you want to get something done, you have to put some heat under the particular department concerned. It is only in that way that you will get things done. This business of dilly-dallying will get you no place.

A resolution has been placed before the house, and it ought to be voted upon. I can see no reason why it should not pass. We can then have one of the standing committees deal with this subject or have it dealt with by a special committee, but that is another matter entirely.

I was somewhat surprised at what my friend Senator Thorvaldson said, because he always feels there should be very little politics in this house—and there is never any more than there should be. If he thinks that I or any other member of the house—and others can speak for themselves—always run to the leader in order to get something done, then he has another thought coming. That is what he said, and I cannot understand that sort of thing. I am an independent member here. If Senator Thorvaldson presents a resolution and it is satisfactory, I shall be glad to vote for it.

Hon. Mr. Thorvaldson: This is the first time I have ever heard the honourable senator suggest he is an independent.

Hon. Mr. Croll: I have certainly never run to the leader—this leader or any other leader—

Hon. Mr. Thorvaldson: Nobody believes you!

Hon. Mr. Croll: —to ask permission to do this or that. I present what I want to present to the house.

Hon. Mr. Thorvaldson: I rise on a point of order. I did not say "permission". I was very clear in my remark.

Hon. Mr. Croll: The honourable senator used the word "clearance".

Hon. Mr. Thorvaldson: No, not even "clearance". The word I used was "discussion".

Hon. Mr. Croll: We get a lot of that in this house. I do not know why anyone should run to the leader privately for it. However, I shall vote for this resolution. I think it should be supported.

Two years ago the bureau promised they would do the best they could, and yet, even up to this time, nothing has been done. This is not the fault of the people in the bureau. They are excellent people, and have been helpful on every occasion. But, honourable senators, to get something done you must put heat under the Government—make it really hot, and then you will get results.

Hon. Douglas D. Everett: Honourable senators, I should like to refer to Rule 35, in order to explain part of my speech, which I think was misconceived.

Senator Hayden said it was my intention to refer the substance of the motion to a standing committee. That was not my intention at all. I think I endorsed Senator Carter's motion. What I suggested was that it would be worth while hearing from officials of the Dominion Bureau of Statistics as to the parameters of the inquiry which would take place. I did not at any time intend that we would refer the substance to a committee and then bring it back to the house.

The Hon. the Speaker: Do I understand that the honourable Senator Everett is rising on a point of order to explain certain implications in the speech he made a few moments ago?

Hon. Mr. Croll: It is the United Nations all over again—seventeen explanations.

Hon. Mr. Everett: I will leave it at that, Mr. Speaker.

Hon. Mr. Carter: Honourable senators—

The Hon. the Speaker: I would remind honourable senators that under the rules the motion is a substantive motion and therefore if the honourable Senator Carter speaks now it will have the effect of closing the debate.

Hon. Chesley W. Carter: Honourable senators, as Senator Thorvaldson has said, this has developed into an interesting debate, and I wish to express my appreciation to everybody who has taken part in it. Senators Hayden, Croll and Thorvaldson have dealt with the point of order involved in the suggestions made by Senator Everett and by the Leader of the Government (Hon. Mr. Martin) and for that reason I will not take up your time by referring to those matters.

I am grateful to Senator Everett for his kind remarks about my motion. There was only one point at which he said there was some disagreement or that he had one qualification to make. If I understood him correctly, he felt that this matter should be referred to another committee; in other words, that we should hold an inquiry to see if another inquiry should be held. I agree with Senator Thorvaldson that that is not the way in which we should proceed with the business of this chamber.

In his opening remarks, Senator Everett twice referred to a special committee. It may

have been a slip of the tongue. He may have mentioned it inadvertently, but since he seemed to be thinking in terms of a special committee I would point out that my motion makes no mention at all of a special committee. It merely says that a committee should look into this. I agree with Senator Thorvaldson that we should not proliferate our committees when there already exist committees which are capable of doing this work. I left the question open for the Senate to decide, but in my own mind I was thinking of the Standing Committee on Banking and Commerce, which is an extremely able committee with a very able chairman. There is no abler man in this or the other house than Senator Hayden.

Hon. Senators: Hear, hear.

Hon. Mr. Carter: Honourable senators, I have great admiration for him and for the way he has conducted the meetings of the committee, of which I have been a member for only a short while. However, there seems to be a difference of opinion in the mind of Senator Everett and in that of the Leader of the Government.

If I understood Senator Martin correctly, when he arose to explain his position in reply to the point that Senator Thorvaldson raised, his idea was that we should have the D.B.S. appear before a committee, not the committee which is going to hold the inquiry but before a standing committee, to determine when it would be convenient or when we should begin the inquiry.

I may have misunderstood him but that is how I interpreted what he said. Whereas, as I said previously, Senator Everett's idea seems to be that we should hold a preliminary inquiry to decide whether we wish to have an inquiry on a larger scale later on.

Honourable senators, I would be less than honest if I did not say I am not happy about Senator Everett's suggestion.

I am unhappy on two counts. First, I do not think it is the way in which this chamber should proceed. I think it is contrary to our procedure and I doubt if any precedents can be found in the past to uphold such a procedure. And I am unhappy because it implies two things. It does not come out and say it, but it implies that somehow my motion is directed against D.B.S. I thought I took extra pains in my presentation to point out that this is not the case. I do not see what a preliminary inquiry could do that could not be done if we followed the ordinary procedure and referred this to a committee.

I said earlier that what I had in mind was that this inquiry be conducted by the Senate Committee on Banking and Commerce. If the chairman has no objection and if the Senate accepts this motion, I would be quite willing to move that the Standing Committee on Banking and Commerce be designated as the Senate committee to conduct this inquiry; or, if it would be in better order, I would give notice that I will make this motion at a later date. I am in the hands of the Senate on that point.

Honourable senators, there is an implication that somehow or other this proposal is aimed at D.B.S. and that therefore D.B.S. should come before the Senate committee and we should find out from them how much further we should go. If this committee were set up, the ordinary procedure would be that a steering committee would be appointed. The steering committee would decide how the committee would proceed and what areas would be investigated, and it would act accordingly.

I think it is logical to assume that D.B.S. would be the first people to be called, particularly in view of the fact that, as our leader has told us, a review of this legislation is being contemplated. Surely, if this legislation is to be reviewed, we would wish not only to review D.B.S legislation, and the Statistics Act, but also review the related legislation, which would include several other acts.

Furthermore, D.B.S. is but one Government agency. What I would like to do, and what I had in mind when I proposed this committee, is that we would look at the whole statistical operation. Practically every department of the federal Government has its data-gathering division; provincial governments have such data gathering divisions; universities and industry have similar agencies.

It is quite possible that D.B.S. today is collecting material which is no longer very useful. On the other hand, it is quite possible that they are not collecting information which is absolutely vital. What I have in mind is information on regional disparities. We have already gone ahead. We have spent millions on ARDA, on FRED, on ADA and on A.D.B., without having the necessary statistical foundation on which sound plans could be drawn up. Neither do we have or have we been able to get sound statistical yardsticks with which to measure the effectiveness of these programs as they are being implemented.

If the Senate adopts this motion and agrees to send it to the Standing Committee on

Banking and Commerce to conduct the inquiry, certainly the D.B.S. officials can appear before it and we can hear their story. Any special problems they have can then be taken into consideration and we can probably bring in an early report to assist them in drafting new legislation. But I hope we can do much more than that. I hope we can "pick the brains" of everybody who uses this information, everybody who is involved in gathering and analysing statistical data, so that we can have the most up to date and best legislation that can be devised. I point out to honourable senators that when this revision takes place in a year's time or more it will then set the framework in which D.B.S. will operate for another period, probably of 10 years, certainly of five years.

We want the very best we can get. I do not think we should be dependent solely on ideas and information obtainable from D.B.S. officials, important as these are. We want to get ideas from outside D.B.S. so that we can weigh one against another.

Senator Martin referred to the Glassco Commission. Well, the Glassco Commission was set up by the Government to inquire into the administration of government departments and it was within that framework that they investigated D.B.S. and made their recommendations. But this motion as I envisaged it would provide a larger framework than that.

Senator Connolly (Ottawa West) referred to computers. I, for one, certainly want the ideas of more people than simply the D.B.S. officials on what we should be doing concerning computer policy. Computers have come to the point now where they practically make decisions. Not so long ago we saw on television the title fights between Dempsey and other boxers being conducted by computers. It is not inconceivable that the day will come when government decisions also will be made by computers. We do not know when that day will come. It may be here even now. At any rate, a computer, no matter how wonderful it is, is only as good as the information fed into it.

Hon. Mr. Sullivan: Hear, hear.

Hon. Mr. Carter: And the information fed into it is only as good as the people feeding the information into it. Personally, therefore, I cannot see any advantage in sending this motion—or the subject matter of it or whatever you want to call it—to another committee to determine whether, first of all, another inquiry should be held. I cannot see that it can serve any useful purpose. Surely we can trust our own committees to proceed in a logical manner. If they see that the time has come to cut it off, they know when to stop. If they feel that certain areas need further investigation they can see to that.

I do hope, therefore, that the Senate will adopt this motion and will proceed with it in the regular manner.

Hon. Mr. Choquette: I am quite aware that Your Honour warned honourable senators that if Senator Carter were to speak again it would have the effect of closing the debate. I wish, therefore, to ask a question of the honourable Senator before he refers it to a committee. I wish to ask if he is aware of a certain committee to which I think the question should be referred. That is the purpose of my rising now.

Senator Croll: Ask the question.

The Hon. the Speaker: Is it agreed, honourable senators, that the question may be asked of the sponsor?

Some hon. Senators: Agreed.

Hon. Mr. Choquette: I ask this question of Senator Carter. We have a committee called the Public Service Administration, comprised of the honourable Senators Belisle, Blois, Bourque, Cameron, Choquette, Dessureault, Fergusson, Flynn, Gouin, Grosart, Inman, Irvine, Kinley, Martin, O'Leary (Antigonish-Guysborough), O'Leary (Carleton), Quart, Roebuck and White. I ask the honourable Senator who has proposed this motion, is he aware of such a committee of Public Service Administration, the members of which committee I have just enumerated, and does he not think that this would be the appropriate committee to which to refer this matter?

Hon. Mr. Carter: Honourable senators, personally I have no preference as to which committee would do this. To answer Senator Choquette's question, I say, yes, I am aware there is a Committee on Public Administration but, as I understand it, the duty of that committee is to do what I am trying to avoid, that is, investigating or placing D.B.S. on the carpet. That is my understanding of what the Public Administration Committee is for, to investigate government departments. In other words, it deals with matters pertaining to the Public Service. I was trying to avoid that and to put it into a special category, because we are really investigating a new area of statis-

tics. It is only statistics we are interested in, not D.B.S.

Hon. Mr. Martin: Honourable senators, with the leave of the house I would simply like to say that I have listened to the very lucid response of Senator Carter and he has convinced me that we should accept this motion and, speaking for myself, that is what I am prepared to do.

Motion agreed to.

PRECIOUS METALS MARKING BILL

SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill S-4, intituled: "An Act respecting the marking of articles containing precious metals".—(Honourable Senator Martin, P.C.)

Hon. Paul Martin: Honourable senators, I would ask that this order stand and that it be proceeded with as Order No. 1 for tomorrow.

The Hon. the Speaker: Honourable senators, is it agreed that Order No. 7 appear as Order No. 1 on the Orders of the Day tomorrow?

Hon. Senators: Agreed.

Order stands.

PRIVATE BILLS

CANADA TRUST COMPANY—SECOND READING

Hon. J. Campbell Haig moved the second reading of Bill S-6, respecting Canada Trust Company.

He said: Honourable senators, this is a rather simple bill. It contains one clause, to increase the capital stock of the corporation from $5 million to $20 million.

This company was formed 74 years ago, and it is now wholly-owned except for directors and qualifying shares by the Huron and Erie Mortgage Corporation. By reason of the growth of trust company business in the past few years, this company needs further capital for expansion.

One of the major functions of the company is the acceptance of money in trust through guaranteed trust certificates or guaranteed deposit certificates for investment. At present the Trust Companies Act limits the amount that may be borrowed by any trust company, together with moneys entrusted to it for investment, the repayment of which is guaranteed by that trust company to a maximum of 15 times the excess of the assets over liabilities of the company. Notwithstanding a conservative policy of retention of a substantial portion of its annual earnings for growth purposes, the company anticipates that this internal generation of reserves will not be sufficient to provide for the expected growth in borrowings and acceptance of public money for investment arising from its expanding business.

The Canada Trust Company has 56 branches licensed to carry on business in eight of the provinces of Canada and in the Yukon Territory. This has been accomplished partly by acquisitions and partly by internal growth, and while no further acquisitions are contemplated at the present time, it is clear that additional capital is at present and will in the future be required to enable the company to play its full part in the growth of the economy.

Honourable senators, if this bill receives second reading I shall move that it be referred to the Standing Committee on Banking and Commerce meeting on October 16.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Haig, bill referred to the Standing Committee on Banking and Commerce.

THE HURON AND ERIE MORTGAGE CORPORATION—SECOND READING

Hon. Mr. Haig moved the second reading of Bill S-7, respecting The Huron and Erie Mortgage Corporation.

He said: Honourable senators, The Huron and Erie Mortgage Corporation, like the company covered in the previous bill, has its head offices in London, Ontario. It was incorporated in 1864, and by reason of subsequent changes in its act it continued up until 1899, when additional borrowing and investment powers were granted to it.

In 1913 the Parliament of Canada by statute further extended the amount of the company's permissible liabilities to the public, and in 1915 the name of the company was changed to The Huron and Erie Mortgage Corporation.

Further acquisitions were made in 1923, and in 1955 the capital of the company was fixed at $10 million, divided into 500,000 shares with a par value of $20 each.

In 1961 there was a further subdivision of shares, and in 1965 yet another subdivision of shares into five million shares of the par value of $2 each.

During 1964, the centennial year of the corporation, the total assets under administration by the corporation and its subsidiary, the Canada Trust Company, passed the $1 billion mark. This year, less than five years later, total assets under administration will pass the $2 billion mark.

The corporation's main business constitutes the lending of money on building mortgages across Canada. By reason of the expected growth of this corporation an increase in capital is needed.

I submit to honourable senators that the principal role of this corporation is in the housing area of mortgage lending where at present some 85 per cent of its mortgage moneys are invested.

For the foregoing reasons the corporation is requesting legislation to increase its authorized capital to $20 million.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Haig, bill referred to the Standing Committee on Banking and Commerce.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, it had been assumed that we would proceed with the NATO resolution standing in the name of Senator Lang. However, for reasons that could not have been anticipated, that item of business will not be proceeded with this evening.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, October 9, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DISTINGUISHED VISITORS IN GALLERY

REPRESENTATIVES OF FEDERAL REPUBLIC OF GERMANY

Hon. Paul Martin: Honourable senators, I would like to call your attention to the presence in the gallery of a parliamentary delegation from the Federal Republic of Germany headed by Dr. Eugen Gerstenmaier, the Speaker of the Bundestag.

This is the first official visit to Canada by a parliamentary delegation from the Federal Republic of Germany. It is a distinguished delegation led by the President of the German Bundestag, and includes Mr. Konrad Porzner, a member of the Social Democratic Party, and Mr. Hans-Dietrich Genscher, Deputy Leader and House Leader of the Free Democratic Party. While this is the first time, honourable senators, that the Canadian Senate has had the honour of receiving an official parliamentary visit from Germany, over the past few years a number of delegations of Canadian parliamentarians have visited Germany in response to invitations extended by the President of the Bundestag, Dr. Eugen Gerstenmaier, who had held this important post since 1954.

In 1959, the Governor General of Canada, the Right Honourable Roland Michener, then Speaker of the House of Commons, led a delegation consisting of members of the other place in a wonderful visit to Bonn and to other major centres in Germany.

In 1960, eight years ago to this month, the late and well-remembered Speaker of the Senate, the Honourable Mark Drouin, was similarly privileged to visit Germany, together with a delegation of the Senate on the invitation of the President of the Bundestag.

Honourable senators, we welcome this distinguished delegation and express the hope that they will find their visit to Canada and to this house in some small measure as fruitful and enjoyable as was the experience of our Canadian parliamentary colleagues when they visited the important and fascinating country from which the President of the Bundestag comes.

PRINTING OF PARLIAMENT

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

> Ordered: That a message be sent to the Senate to acquaint Their Honours that this house will unite with them in the formation of a joint committee of both houses with respect to the Printing of Parliament, and that the members to serve on the said committee, on the part of this house, will be as follows: Messrs. Barrett, Benjamin, Cadieu (Meadow Lake), Cobbe, Corbin, Dumont, Durante, Forget, Forrestall, Hopkins, Howard (Okanagan Boundary), MacRae, Marshall, McBride, McCutcheon, Moore, Muir (Lisgar), Noël, Penner, Rodrigue, Skoberg, Stewart (Cochrane) and Trudel.
>
> Attest.
>
> Alistair Fraser
>
> The Clerk of the House of Commons

Ordered, that the message do lie on the Table.

LIBRARY OF PARLIAMENT

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

> Ordered: That a message be sent to the Senate to acquaint Their Honours that this house will unite with them in the formation of a joint committee of both houses with respect to the Library of Parliament, and that the members to serve on the said committee, on the part of this house, will be as follows: Messrs. Beaudoin, Caccia, Cafik, Dumont, Fairweather, Forest, Givens, Gleave, Harding, Lambert (Edmonton West), Legault, MacGuigan, Macquarrie, Mongrain, Nowlan, Prud'homme, Reid, Ritchie, Scott, Serré and St. Pierre.
>
> Attest.
>
> Alistair Fraser
>
> The Clerk of the House of Commons

Ordered, that the message do lie on the Table.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of the First and Second Reports of the Observer Team to Nigeria. (English and French texts).

Report of the Department of National Health and Welfare for the fiscal year ended March 31, 1967, pursuant to section 10 of the Department of National Health and Welfare Act, chapter 74, R.S.C., 1952. (English and French texts).

SUPREME COURT ACT

BILL TO AMEND—REPORT OF COMMITTEE PRESENTED—CONSIDERATION NEXT SITTING

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report:

The Standing Committee on Banking and Commerce to which was referred the Bill S-8, intituled: "An Act to amend the Supreme Court Act", has in obedience to the order of reference of October 8th, 1968, examined the said bill and now reports the same without amendment.

Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: I move, with leave of the Senate, that the report be adopted now.

Honourable senators, the reason for putting the motion to approve the committee's report is because it includes the resolution to print a certain number of copies of the proceedings in English and French. Ordinarily, if the resolution on printing were not included, the report would not be put to the Senate for adoption but we would proceed immediately to third reading. In order to save the paper work, we are combining the report on the bill and the motion for printing, where it is recognized as being proper and advisable to do so.

Hon. Arthur W. Roebuck: Honourable senators, I have no objection to the consideration of this report now. I understand its purpose is to approve the bill without amendment. Therefore, I take it that comments with regard to the approving of this bill without amendment are now in order.

I would like to have attended the meeting of the committee where this bill was considered, but I did not know that it was sitting. I received the notice in the mail this morning after the committee meeting had concluded.

An Hon. Senator: So did I.

Hon. Mr. Roebuck: This is an exceedingly important bill and it deals with matters that are vital to the whole Dominion of Canada, so perhaps a little more deliberation might have been advisable in this connection. I have some comments to make.

Honourable senators will remember that on second reading I made some offhand references to the principles involved, that were being amended to some extent. The newspaper report stated that we were increasing the limitation on jurisdiction of the Court from $2,000 to $10,000. That is not entirely correct. In 1956 we actually increased the jurisdiction limit to $10,000.

Hon. Mr. Hayden: The minimum.

Hon. Mr. Roebuck: The minimum, yes. We now propose to limit the jurisdiction in one particular case which remained at $2,000 at that time. When the court of appeal of a province gave consent to appeal to the Supreme Court of Canada from a judgment of a court of first instance, the amount remained at $2,000. That is now being brought up to $10,000, in line with the general rule as to appeals.

That is not so important, as such appeals are few in number, except that it is in line with what has been happening in recent times. With regard to this court, it is tightening the restrictions on the court. No doubt it is being done with the court's consent, without any particular reason why, except the convenience of the court itself in order to reduce the number of appeals with which the court must deal. I submit to this chamber that is not a good principle.

The Supreme Court of Canada has something to give to the people of Canada, both as a superior court, as the court of the whole dominion, and for the influence it has in making for uniformity of law in all the provinces of Canada. At the present time, if you eliminate this court you will have courts of final jurisdiction in ten different provinces, perhaps giving different views of the law in their decisions. This is a good court, and it tends towards a uniformity of law in all our provinces so that when people go from one province to another they will not face a change in the view of the law as it stands.

Moreover, the court being removed from the localities in which the cause arises, it has a more detached view, and certainly a somewhat different view from that taken in the provinces or municipalities where the trial takes place.

This is a trend that has been going on for some time, and is being continued by this bill and in several ways. To begin with, it increases limitation on the jurisdiction of the court in that particular division from $2,000 to $10,000, and in that way it accentuates the idea of the Supreme Court of Canada being a rich man's court. I mentioned its not being a poor man's court, but I wish I had not used those words. It takes the court out of the range of possibility of service to the ordinary man, and leaves it only to the rich man and the big corporations. That, to my mind, is quite out of keeping with the democratic fundamentals of our Constitution. I would like to see this court widened rather than restricted in its jurisdiction and service to the people of Canada.

The only argument against that is the convenience of the court itself, and that, honourable senators, is not a good argument. If we have a service to give, then it should be given to the rich and to the ordinary people alike. If the number of appeals are more than the court as now constituted can handle, then constitute it differently.

In so far as a division is concerned between rich and poor, it has always been our concept that justice is blind, and that every man had an equal right to a decision from our courts. If we have not enough judges, let us appoint more, but, above all, let justice be done though the heavens fall.

I do not like the trend that has been going on for some time, and which seems to be continued by this bill.

Let me point out another aspect of what is happening. In the past when an application was made for leave to appeal it could be made to the Superior Court of Appeal in a province, and that court could give consent to an appeal involving, in former days, at least $2,000, and now $10,000. The provincial court could give consent to an appeal to the Supreme Court of Canada. That is being changed by this bill which has been approved by our committee, I am sorry to say. This means that a litigant must apply for consent to appeal to the court here in Ottawa. It means an application in the capital of the country, and another trip to Ottawa by the solicitors, and all the costs that go with it.

For goodness sake, honourable senators, is not the cost high enough now? This court—and it is the only one in Canada which does so—requires that counsel's factum, the appeal book and, worst of all, the entire evidence, be printed. Imagine the cost of printing lengthy evidence given in a trial that lasted many days. The expense is so great that the factum alone will cost $100 or more, and not infrequently, honourable senators, the printing of the evidence runs to $1,000 or more.

Hon. Mr. Flynn: Those costs have nothing to do with this bill.

Hon. Mr. Roebuck: It is the trend I am talking about.

The Hon. the Speaker: Order, please. May I interrupt at this point to remind honourable senators that there is a motion before the house to adopt the report of the Standing Committee on Banking and Commerce now with leave. This is the question that is before the house. If I understand correctly, there is no unanimous consent to proceed now with the adoption of the report of the Standing Committee on Banking and Commerce, so that will have to occur at the next sitting. If honourable senators wish to go into the substance of the bill then I would ask them to wait until the motion for third reading is made.

Do I understand correctly that there is not unanimous consent for the adoption of the report now?

Hon. Mr. Flynn: Yes, there is.

Hon. Senators: Agreed.

Hon. Mr. Roebuck: We are agreed—to what?

Hon. Mr. Flynn: To the consideration of the report now.

The Hon. the Speaker: The motion is, by leave, for the adoption of the report now.

Hon. Mr. Roebuck: No, I do not agree to that. There is certainly not unanimous agreement.

Hon. Mr. Flynn: If there is not unanimous agreement, then consideration of the report should stand until the next sitting. We cannot debate it at this time.

Hon. Mr. Roebuck: By what rule am I required to conclude my speech now?

The Hon. the Speaker: Order, please. I think honourable Senator Roebuck is address-

ing a question to the Chair, and it is perfectly in order for him to do so because I intervened in the course of his remarks.

I think I have been quite lenient in letting him go into his explanation at some length, but I repeat that the question before this house is one as to the adoption of this report, by leave, now. If there is not unanimous consent then the report cannot be considered until the next sitting.

Hon. Mr. Roebuck: Honourable senators, let there be unanimous consent.

As Your Honour knows, I have always bowed to the will of the Speaker, and I support the orderly handling of our debates. I was surprised at being interrupted in the middle of a speech which I thought was of some importance, but, nevertheless, I consent with all other honourable senators to Your Honour's ruling, and I will make my speech all over again tomorrow.

Hon. John J. Connolly: Honourable senators, I am wondering whether we are getting a little off the track. I think there is unanimous consent to the consideration of the report now, and that any honourable senator is entitled on that motion to speak to the report. I do not think there is any question about that fact.

There is a motion before the house. Even though it is put by unanimous consent today, it is only the time factor to which that unanimous consent relates. I would submit, Mr. Speaker, that Senator Roebuck is quite in order in speaking to the motion, even though the motion may not under the rules be put until tomorrow. In my opinion he is quite within his rights, in making the speech that he wishes to make, because he is speaking to the report.

Hon. Mr. Flynn: Honourable senators, I agree with what Senator Connolly has said, but on the condition that Senator Roebuck says he is agreeing to the motion's being put today rather than tomorrow. He said that he had not given his consent. He has to make his choice. If Senator Roebuck agrees that the report should be considered now, that is all right. He can speak to the motion, but he cannot at the same time refuse leave.

Hon. Mr. Croll: Honourable senators, in order to be able to hear Senator Roebuck again tomorrow, I refuse to give leave.

The Hon. the Speaker: Then this report will be considered at the next sitting.

RULES OF THE SENATE

FIRST REPORT OF SPECIAL COMMITTEE

Hon. Hartland de M. Molson, Chairman of the Special Committee on the Rules of the Senate, presented the committee's first report:

> Your committee recommends that its quorum be five members.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Molson moved with leave of the Senate, that the report be adopted now.

He said: Honourable senators, may I say a word on this motion?

At the first organization meeting of this committee on the rules, which was held this afternoon, the committee saw fit to appoint me chairman, a responsibility which I accept gladly but with some misgivings. The committee also appointed Senator Lang as vice-chairman, and a steering committee composed of Senator Choquette, Senator Lang and the chairman.

At the same meeting the conclusion was reached by the committee that its purpose would not be well served unless we were able to move on the matters for our consideration with considerable rapidity. For that purpose we have scheduled three meetings a week, as follows: on Tuesday afternoon when the Senate rises, on Wednesday from two until three o'clock and at 7.30 in the evening, and on Thursday from two until three o'clock.

This is quite a heavy schedule for the purpose. However, it has as its background what I said at the beginning of these remarks, that the committee's view is that a report emanating from it in a year or two will serve no good purpose, and that we should obviously expect to be able to report back to the Senate around the turn of the year. By operating on this schedule, I would think we would be able to do that.

I wish to mention one other specific point in the chamber in connection with the committee. While the committee is relatively small—it has only 18 members—its purpose, as explained by the Leader of the Government, is to try to produce better rules for the workings of the Senate. For that very obvious reason every member of this chamber is deeply concerned with the work of this committee. To all those honourable senators who are not members of the committee, I would be presumptuous enough to remind them that every senator is most welcome to attend the

meetings of the committee, and that we will expect their attendance in considerable numbers. Furthermore, if they have any points of view or ideas in connection with the practice and rules of the Senate, we would welcome their submissions either in writing or by their presence at committee meetings.

I have asked leave to have this report adopted now so that at our next meeting, which is scheduled for tomorrow afternoon at two o'clock, we will have a quorum established.

Report adopted.

CENSUS AND STATISTICS

PROPOSED REFERENCE TO COMMITTEE—NOTICE OF MOTION

Hon. Chesley W. Carter: Honourable senators, I give notice that at the next sitting of the Senate I will move:

> That the Standing Committee on Banking and Commerce be authorized to inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation and recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital and efficient aid to the good government of Canada and the advancement of private business in the public interest.

CUSTOMS ACT

BILL TO AMEND—MOTION TO RESCIND REFERENCE TO FINANCE COMMITTEE

Hon. Earl A. Hastings: Honourable senators, with leave of the Senate I move that the order of the Senate of Thursday, October 3, 1968, referring to Bill S-10, to amend the Customs Act, be rescinded and that the said bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Flynn: I think we should be entitled to some explanation.

Hon. Mr. Hastings: Honourable senators, in sponsoring Bill S-10 and moving second reading, I thereafter moved the bill be referred to the Standing Committee on Finance, because the subject matter would logically come under that committee. However, I have since learned that all customs bills in the past have been referred to the Standing Committee on Banking and Commerce. I therefore ask that an order be made amending my error and referring this bill to that committee.

Hon. Mr. Flynn: Should we always bow to practice like that, especially when we are considering an examination of our rules?

Hon. Mr. Connolly (Ottawa West): I think, honourable senators, it is desirable that this course should be followed and that the committee on the rules will consider this point.

The history of the Finance Committee is a peculiar one, but of late years we have used it with the consent of the house generally as a place where appropriation bills, estimates and related matters were studied rather than by other committees. Since it has had this peculiar role to play in the development of the work of the Senate, a role which I think most of us approve, we should try to keep it in that perspective.

So far as bills of this kind are concerned, a customs bill is normally considered a money bill; it comes out of the budget. Apparently this is not a money bill. Bills concerning income tax, excise tax and imports generally, go to the Standing Committee on Banking and Commerce. I think it is a desirable precedent for us to follow.

Motion agreed to.

EXTERNAL AFFAIRS

PERSONS AUTHORIZED TO SPEAK FOR DEPARTMENT

On the Orders of the Day:

Hon. M. Grattan O'Leary: Honourable senators, before the Orders of the Day are called I should like to direct a question to the Leader of the Government (Hon. Mr. Martin). Are there in the Department of External Affairs certain persons authorized to speak for the department in dealing with the press and, if so, could he give us their names?

Hon. Paul Martin: Honourable senators, there is an Information Division. The head of the division was Mr. D'Iberville Fortier, who is now engaged in a special examination of the whole question of information services for the Government. Mr. Fortier, an experienced foreign service officer, has been on service to NATO for a period of two years. Incidentally, I believe he is about to take on another assignment after his present one has terminated. He is assisted by a number of other officers. I cannot say how many of them are foreign service officers but they are all officials serving in the Information Division.

Hon. Mr. O'Leary (Carleton): As a supplementary question, may I ask the Leader of the Government whether he would not agree with the proposition that whoever speaks to the press for the department should give his name and have his remarks in quotation marks so that we know who he is and what is his responsibility, as is done in the United States? In the United States Mr. McCloskey speaks for the State Department, but he speaks under his own name, as Mr. Lincoln did before Mr. McCloskey.

I would like to think that the minister himself would agree that these anonymous, faceless people should not only refrain from giving views to naive reporters but also should not express opinions, as was reported in this morning's Montreal *Gazette*.

Hon. Mr. Martin: My impression is that the officers of that division, and the officers of the Department of External Affairs generally, are very careful about expressing personal opinions, and so they should. They confine themselves within the context of Government policy. There are some occasions, I suppose, when it might be advisable for their names to be given. Most members of the Press Gallery would regard this as a very helpful service to them and do not object to this anonymity. I think a good deal would depend on the question asked. However, I would be glad to give further consideration to the nature of the question, and when it is put by a distinguished journalist like Senator O'Leary (Carleton) I have to give it special attention.

The Hon. the Speaker: Honourable senators, may I take the opportunity afforded by Senator O'Leary's question to say that I have on occasion been asked by some honourable senators, especially new senators, who wish to ask verbal questions of the Government Leader, at what time these questions should be asked.

In my opinion the appropriate time would be when I call the Orders of the Day, as the honourable Senator O'Leary (Carleton) has done today. It is unnecessary to add that the Government Leader may decline to answer, he can take the question as notice, or he may answer in his usual manner. Until a different practice is established, it will be in order to take verbal questions when I call the Orders of the Day, and of course there may be supplementary questions.

HON. JEAN-PAUL DESCHATELETS, P.C.

BIRTHDAY FELICITATIONS

Hon. John J. Connolly: Honourable senators, I trust no objection will be taken if I intervene at this point to express the hope, which is shared by all honourable senators, that His Honour the Speaker has a very happy birthday today.

Hon. Senators: Hear, hear.

The Hon. the Speaker: I thank honourable Senator Connolly (Ottawa West). This is a question of privilege which I hope we will not pursue at length, because when one reaches a certain age these are things that one would like to forget.

Hon. Mr. Martin: Honourable senators, on a question of privilege, I had suspected that this was the kind of thing which was never done in this chamber. With that in mind, I called Mr. Speaker this morning at seven o'clock and wished him *ad multos annos*.

Hon. Mr. Flynn: I did the same thing in writing.

PRECIOUS METALS MARKING BILL

SECOND READING

Hon. W. M. Benidickson moved the second reading of Bill S-4, respecting the marking of articles containing precious metals.

He said: Honourable senators, in introducing this bill I think it is a matter of interest to this house that it is either the first or nearly the first of the bills introduced by the new Department of Consumer and Corporate Affairs. Honourable senators will recollect that the investigation into the interests of consumers and the prices and costs people pay originated in this house, the suggestion for which I think came from the honourable Senator Croll. One of that committee's recommendations was that this new department be set up. This is one of that department's first bills, and I have the honour to speak to it.

The bill is not exceptionally important. It amends the Precious Metals Marking Act to take cognizance of technological advances in the production and measurement which have occurred within this industry. I must tell my colleagues that the bill provides that things which otherwise would have to be done by statute can, if the bill passes, be done by regulation. Perhaps basically it would not be my intention to sponsor this, but when it is something to do with industrial requirement, a matter that has waited since 1959 for parlia-

mentary action, I can see the reason for it and I recommend it to the house.

The Precious Metals Marking Act sets out the rules for marking articles when claims are made as to the precious metal content of the article. Four metals are defined in the act, calling them precious metals. They are gold, silver, platinum and palladium.

Since the early years of this century the precious metal products of the jewellery industry, whether Canadian-made or imported, have been subject to a federal statute. The legislation was designed to prevent misrepresentation to purchasers and to ensure orderly marking by the establishment of quality standards and marking controls. In the intervening years the industry has grown from the collection of small individually-owned firms to an industry which, I forecast, will in this year probably have a sales value to the extent of about $300 million. It should be borne in mind that, while this figure includes the value of the various classes of items handled by jewellery stores, the value of articles which are subject to this bill would represent a substantial portion of the total.

Through the Canadian Jewellers Association, the industry is, I understand, a strong supporter of this legislation, which it recognizes as a vital element in maintaining public confidence in the quality of its products.

The operations of all segments of the trade are affected by, and benefit from, the provisions of this bill—the manufacturers, wholesalers and importers, through to the local retailers across the country. In addition, the protection touches practically every person in the country at some time, through the purchase of a watch, engagement and wedding rings, flatware, silver tea services, and all such items of quality where marking will be some guarantee to the purchaser.

The intent of the bill is to update the Precious Metals Marking Act, chapter 215 of the Revised Statutes of Canada, 1952 and to provide the mechanics for more easily meeting technological change. It is to that extent that I confess that certain things which were subject to statute might be passed on to regulatory authority through the administration of the department or the cabinet. Originally enacted in 1908 as the Gold and Silver Marking Act, numerous subsequent amendments necessitated a general revision in 1946, which resulted in the present Precious Metals Marking Act. This has been amended on two occasions, the second of which was in 1955. Several desirable amendments have been held in abeyance since 1959, due to priorities on our part in the increasingly heavy legislative programs since that time.

The present act governs the markings, descriptions and advertising of articles composed of gold, silver, platinum and palladium. While marking is not mandatory and it has not been made mandatory in this bill, any quality marking or description is confined to the form and manner provided in the act. Responsibility for the quality of the article is established by the general provision that a quality marked article must also bear a trade mark which is registered or applied for under the Trade Marks Act. By this means an offending article can be traced back to the person or firm responsible for the quality marking.

National marks can be used under licence for precious metal articles of gold and silver which are manufactured in Canada. It is desirable that such marks should be available for platinum and palladium articles; and, to obviate proliferation of marks, a single one is proposed in this bill. The single mark proposed is a maple leaf with a circle around it.

In addition to providing general basic provisions, the bill embraces numerous operative sections of a technical nature in which the provisions define the material content specifications for various classes of articles. With advancements in new processes, production methods and quality control, the existing provisions have or might become obsolete, and if simpler mechanics for change are not provided, there would be unnecessary delay in recognition of such improved techniques.

Technical change is the basis for the amendments to the act. Since almost all required amendments to this statute are related to manufacturing techniques, it is considered advisable that the act be reconstructed to retain the present basic provisions and place the operative technical sections in regulations made under the authority of the act.

Such basic provisions to be retained in the act relate to general requirements respecting correct quality marking and identifying trade marks; offences, penalties and disposition of articles upon conviction; powers of inspection, seizure and assay evidence; and authority for the Governor in Council to make certain regulations. The authority being sought is to transfer to regulations all technical provisions that are in the existing statute. These cover definitions of material content and assay tolerances for the various classes of

wares, the permissible quality marks that may be applied to such articles, and exemption of certain functional parts of articles from assay of the article. This structure will provide the required flexibility to keep operative provisions up to date with technological advancements.

Hon. Gunnar S. Thorvaldson: Honourable senators, I believe that metal marking is as old as history. We started with the Stone Age centuries ago, then came the metal age, and I have no doubt that the cavemen who first discovered metals provided for appropriate marking. This bill, providing for the marking of precious metals, is a continuation of an ancient custom and is a necessary commercial procedure throughout the world.

As the honourable Senator Benidickson has said, our first act regarding marking precious metals was enacted in 1908. There were later enactments, and now, presumably, instead of amending the present legislation we are updating it by introducing a new measure.

I have compared the act, namely, the Precious Metals Marking Act, chapter 215 of the Revised Statutes of Canada, 1952, with the proposed measure, and find that the changes that have been made are changes necessary to meet commercial requirements of today.

There is no principle involved, honourable senators, and consequently I wish only to say that I approve of this bill and I am presuming it will be sent to the Standing Committee on Banking and Commerce.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Benidickson, bill referred to the Standing Committee on Banking and Commerce.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 148 to 211, inclusive, which were presented yesterday,

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to Presentation of Petitions:

Hon. Mr. Roebuck: Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 145, for the relief of Vernon Hulan.

Resolution 146, for the relief of Warren Connor.

Resolution 147, for the relief of Lillian Maud Kemp Castle.

Resolution 148, for the relief of Ingrid Klutzny Robson.

Resolution 149, for the relief of Colette Demars (Demers) Beaulne.

Resolution 150, for the relief of Margaret Mary Pitkethly (Pitketkly) Hastings Heavyside.

Resolution 151, for the relief of Liliane Serruya Moller.

Resolution 152, for the relief of Maria Todor Szerencsi.

Resolution 153, for the relief of Suzanne Marie Lapointe Perron.

Resolution 154, for the relief of Martin Daniel Clifford.

Resolution 155, for the relief of Lise Venne Blouin.

Resolution 156, for the relief of Yves Boucher.

Resolution 157, for the relief of Marguerite Evelyn Lucy Watts Paterson Wolfe.

Resolution 158, for the relief of Aimee Lefebvre Leeming.

Resolution 159, for the relief of Thomas Ross Andrews.

Resolution 160, for the relief of Maria Aladics Gardosi.

Resolution 161, for the relief of Maureen Ruth Margaret Deegan Gauvreau.

Resolution 162, for the relief of Norman George Joseph Noel.

Resolution 163, for the relief of Stanley Harris Pippy.

Resolution 164, for the relief of Anna Swiderska Goralczyk.

Resolution 165, for the relief of Joseph Romeo Yves Noel Cantin.

Resolution 166, for the relief of MacGregor Charles Blachford.

Resolution 167, for the relief of Jean Bernard Gilles St. Jacques.

Resolution 168, for the relief of Marcel Parent.

Resolution 169, for the relief of Yvan Lesenko.

Resolution 170, for the relief of Pearl Ruth Nadler Bercovitch.

Resolution 171, for the relief of Bernard William Langevin.

Resolution 172, for the relief of Laura Audrey Helynck Taylor.

Resolution 173, for the relief of Claire Brousseau Ramacieri, otherwise known as Claire Brousseau Ramaciere.

Resolution 174, for the relief of Bela Zylberberg Zeman Woldberg.

Resolution 175, for the relief of Joan Germain Tanguay Rewjakin.

Resolution 176, for the relief of Yvonne Dymphena de Blok Gough.

Resolution 177, for the relief of John Louis Frigon Ferguson.

Resolution 178, for the relief of Linda Pearl Sherback Milrot.

Resolution 179, for the relief of Hayward Allan Dawe.

Resolution 180, for the relief of Leslie George Davies.

Resolution 181, for the relief of Elsa Tenenbaum Arnold.

Resolution 182, for the relief of Marcel Guindon.

Resolution 183, for the relief of Jean Baptiste Edward Napoleon Jalbert.

Resolution 184, for the relief of Patricia Ann Hughes Ray.

Resolution 185, for the relief of Raymond Gervais Decary.

Resolution 186, for the relief of Joyce Lynn Gammon Stacey.

Resolution 187, for the relief of Gerald Lacasse.

Resolution 188, for the relief of Dwoira Plis Gaus.

Resolution 189, for the relief of Imelda Babineau Brisebois.

Resolution 190, for the relief of Therese Sauve Duquette.

Resolution 191, for the relief of Elizabeth Joan St. Alphonse McVey.

Resolution 192, for the relief of Rojsa Silber Wolfus.

Resolution 193, for the relief of Angeliki Antoniou Vouvoutsis.

Resolution 194, for the relief of Gerard Chevrier.

Resolution 195, for the relief of Donald Hillman MacKinnon.

Resolution 196, for the relief of John Charles Puddester.

Resolution 197, for the relief of Rejeanne Bergeron Bilodeau.

Resolution 198, for the relief of Patia Hrysakis Loumakis.

Resolution 199, for the relief of Jacqueline Major Galarneau.

Resolution 200, for the relief of Jean Claude Dutil.

Resolution 201, for the relief of Fabien Dubois.

Resolution 202, for the relief of Alfred Dubuc.

Resolution 203, for the relief of Nadia Komjagina Skliarewski Uspenski.

Resolution 204, for the relief of Sheila Yvonne Mallett Isaac.

Resolution 205, for the relief of Noel Alphonse Sabourin.

Resolution 206, for the relief of Carol Jean Douglas Miller.

Resolution 207, for the relief of Renate Bornholdt Pliverits.

Resolution 208, for the relief of Jean Guy Collin.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: It cannot be at this sitting or the next, because the Rules require the elapse of two days before these resolutions can be debated. Therefore, I move that they be considered on Tuesday next.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Edgar Fournier: Honourable senators, coming from the so-called poor people class, it is a pleasure and a privilege for me to make my humble contribution to this debate, especially on the birthday of His Honour the Speaker.

Yesterday we heard my honourable friend Senator Croll speak on this subject for more than an hour. He covered a lot of ground, and repeated with extreme caution, that nobody has an answer to this problem of poverty. We all know that last week the honourable senator spent the better part of his time in pray-

ers and devotion, and I congratulate him for that. However, I would have thought that after a week of meditation the honourable senator would have been hesitant in presenting his motion for a special committee to study such a confusing and widespread problem for which, as he readily admitted, no one has a solution. Personally, I do not see this motion as one resulting from a whole week of prayers, or from inspiration from the Holy Ghost, but rather inspiration from a Liberal ghost.

The war on poverty means quite different things to a number of people. Overnight, it seems, there are no more poor people. Every one is rich. Nobody works. There are no more responsibilities, and the rich support the nation. This, on the surface sounds very good, but in application it does not work so well. Let us not forget the words of our Lord when he said that the poor will always be with us.

However, if this committee is set up under the able chairmanship of Senator Croll then we can expect it to be a very active and busy committee, and I might even give it my support.

On the motion itself, may I say first that before we apply too much ointment, let us find out where the wounds are. At the moment, no one seems to know. Perhaps the first question we should ask ourselves is: What is a poor person, and who are the poor? Where is the line to be drawn between the two groups? Why are there some poor persons? If I understand the motion correctly, the purpose of this committee is to answer questions such as these. If that is so, the committee will have my entire support.

My lifelong friend Senator Hedard Robichaud and I come from adjoining ridings that are labelled across Canada as the poorest areas in the country. I repeat, they are labelled as the poorest areas of Canada—known as areas of desolation, misery and suffering. This is the result of some miserable and tasteless articles that have been published by some newspapers and backed up by the C.B.C. representation.

At this time I should like to refer to an article written by Miss Sylvia Fraser a *Star Weekly* staff writer, which appeared in the edition of December 24, 1966. This lady surely reported upon what she saw and found, but why exploit the poor people right across Canada? Believe me, honourable senators, that was not a very nice Christmas gift for the people of New Brunswick.

Alongside this disreputable report—and I cannot find a more appropriate description for it—there could have been printed a report about the most modern schools and hospitals worth millions of dollars, booming mining industries, modern bridges and highways, flourishing lumber and sawmills, well-established pulp and paper mills, fishing fleets, fish processing plants, modern homes, churches and convents, which exist in this area—a report that would be quite a contrast to what was published. This would have given the Canadian people a fair and just picture while, at the same time, exposing poverty.

I am sure, honourable senators, that I could go to Montreal, Toronto, Ottawa, Winnipeg, and Vancouver, and visit the slums in those cities, and produce the same type of report. It seems that we shall always have slums. I could visit them, and talk to the people and take pictures, but such a report would not give the Canadian public a fair picture. Those are things that fair and just-minded people do not do.

Referring again to this particular issue of the *Star Weekly*, I should like to read one or two short extracts for the record. This tells us what Father Lamontagne had to say when he was interviewed by this writer:

> Father Lamontagne, a genial, white-haired priest who spent three years in the Brantville area, told me, "Food doesn't always depend on the money we have in our pockets. Brantville children are like children anywhere—they spend too much money on potato chips. The people have sufficient heat, food and clothing, and they certainly came to me with their problems. The business about this area being distressed—that's mostly propaganda."
>
> Another priest told me jovially, "Most of the people in this area have good cars. On Sunday, you should see the acres of them at every church—oh, big ones, they are *cars*. And, of course, they all have their television sets!"

Then, an old man 75 years of age, whose name is not given, was interviewed. He had this to say:

> A bunch of fools from Ottawa were here all summer, taking pictures and making damn fools of themselves.

Honourable senators, what is a poor person, who are the poor people, and why are they poor? Is it on account of sickness? Is it on account of large families which generally

the French-speaking people have? Is it on account of poor education? Is it because they do not earn large enough salaries? Is it because of a lack of transportation to points of employment? Is it because of poor administration and poor family budgeting? Is it because of over-spending? Are the taxes too high? Is the cost of living too high? These things are relevant and contribute to poverty.

Again, who is poor and who is not? Is a man with only one car, or a man with a car and only one television poor? Is a man who cannot afford the luxuries of a few weeks in the South Seas in the wintertime poor? Or is a poor man one, who by his wisdom, by his tricks and dishonesty, works just enough during the summer months to acquire a few unemployment insurance stamps along with some welfare assistance and other means and who otherwise refuses to work and provide his family with the necessities of life? Is he poor? Honourable senators, it is in that category that we find too great a number.

On the other hand, honourable senators, we can find good, honest citizens willing to work anywhere at any time but who are held down by large families, sickness, poor education, facing the difficulties of life with ambition, with proper family budgeting. These are the people who need assistance, and usually assistance given to them is properly used. But that does not happen too often. Furthermore, we can find families living today on the minimum revenue that you and I could not improve on even if we gave them a handout of $100 a day. They are not prepared to adjust themselves accordingly and can spend any surplus faster than it can be provided. One has only to examine some households to see what they are buying out of their welfare. Some husbands and wives are not prepared to manage their own affairs as they should be managed, which in turn results in extreme poverty.

Over the years some of our people have become spoiled by too many easy handouts. This has grown out of the vicious circle in our society today. Too many avenues have been opened leading to abuses and have become the tools of weak conscience, resulting in loss of responsibility, disregard for authority and an attitude of getting everything possible, no matter how you get it, if it is government property. And public funds are government property. Of course any acquisition under false pretences can lead to serious consequences.

I hope that no honourable senator will think for a moment that I am saying that the poor people are dishonest people—far from it. I say that the poor people are the most honest people in the world. That is the reason they are poor, because they still believe in the honest dollar. In many cases it is because of their honesty that they seldom benefit from the welfare system. They are too honest to ask for it. They would rather suffer. They would rather go without it and retain their self-respect.

My remark concerning "weak consciences" refers to many of the so-called "rich poor", those who can afford to spend $25 or $30 every weekend for entertainment or amusement, those who can afford to attend every social activity in the community, those who can afford a new car every year or so, a coloured television, a summer cottage, a house trailer, and yet through unacceptable reasons are able to find ways and means of obtaining welfare assistance. Believe me, this group today is much too large. And it is indeed sad to see public funds intended to be directed to the needy people too often falling into the hands of those who really do not need it, and the needy ones are by-passed.

Senator Croll made mention several times of "too-low income." To me this is the most controversial aspect of the whole situation. A maximum income under our present system is just impossible; our society is not geared for it. The individual income of the employee is regulated by the service rendered, and no one can expect $5,000 or $6,000 remuneration if one can produce only $2,000 or $3,000 worth of services. The problem is getting more and more difficult as this class of people, mostly poor people, are facing mechanization, electronics, computers, I.B.M. and what have you. All these things contribute to unemployment.

Honourable senators, how can we ever expect to provide adequate employment and adequate remuneration when our society is running away from the possibility and potential of the labour force, which is the only possible source of adequate remuneration for thousands and thousands of people in Canada, mostly poorer people? To me this is the main problem that society is facing today.

I have read with great interest chapter 6, pages 103 to 137, of the Report of the Economic Council of Canada on the subject of poverty. The council has produced many facts indeed, but to me it is mostly a compilation of statistics without presenting any solution to the problem. It is discouraging for any government to tackle this problem when one knows that in too many cases social welfare is wasted through extravagance and ill manage-

ment. To me this phrase "social welfare" or "social assistance" should be replaced by the phrase "social work program." It should be made a work program instead of a hand-out program.

Let us not overlook the fact that we are not going to build a strong nation by paying our people to remain at home idle, drinking beer, criticizing society because society does not provide them with more.

Honourable senators, I belong to a group which dislikes the word "poverty." I say this first of all because it has had a bad influence on our society and, secondly, because there is no poverty in Canada. Canada is one of the wealthiest countries in the world. In Canada no one dies of hunger; in Canada there is shelter for everyone; in Canada there is a bed for every living soul; in Canada there is a place for every individual; and in Canada we have abundance. But somewhere along the line our system of distribution has gone out of control. In my humble opinion we have lost the humanitarian control of our wealth, with the result that the poor are getting poorer while the rich are getting richer.

Our society today reminds me of a gravel pit. If you stand on the edge of a gravel pit you see that it has all the aggregate which when properly used can build the strongest foundation to support any structure that science can provide. But a screening machine has to be introduced into the pit to sort the material. This machine stands high in the air, and the material is carried over on a long conveyer belt which separates it on the way down. The first screen removes the large stones; the second screen removes the not-so-large stones; the third screen separates the coarse gravel from the finer gravel; the fourth screen separates the fine gravel from the sand; and the fifth or final screen separates the coarse sand from the fine sand. Each element is directed to a separate pile. At this moment our sandpile is much too large, and much of it is useless. Here we have to keep in mind that any single element of this aggregate is just about useless by itself. Usefulness and strength are to be found only in a well-proportioned mixture.

Is that not what we have done in our society? Have we not placed too many screens in our system? Is our sandpile not too large? Think about it, honourable senators. Have we walked away from the idea that the proper mixture is needed? I ask you to think about it and about what we should do to combat this problem of poverty.

I would like to give you a little example from an interesting situation which arose some years ago. I come from the Parish of Iroquois and St-Basile. Naturally I belong to the Iroquois. This parish in which I was born and raised is known or was known at that time to be one of the poorest. We had no industries, only small farms with poor incomes; nothing in sight that would relieve the situation, only casual labour and small farmers. In 1944 we assessed our position, and I believe it is very important that this committee should try to tell people to assess their position. When you do that you find out where you are, where you stand and what you can do about it; then you may change your mind.

I believe that today there are thousands of people who do not assess their position, find out what they can do for themselves, and where and how they can receive help. This is what we did. In 1944 we assessed our problem. It was a question of do or die. We preferred to do and we did not die. We had to improve our conditions. The only solution in sight was to build up a caisse populaire, and under the able leadership of Père Sandon twenty of us, poor people, giving $5 apiece, built up a $100 fund. Progress was very slow in the beginning, until somebody was able to benefit from this $100 which had been set aside.

During the first years we often talked of the possibilities of this caisse populaire and what it could do for our area, and we hoped we might live long enough to see $100,000 in the fund to serve the area. That was a long-term dream. Last July we celebrated the 24th anniversary of our operations. This year's annual meeting was an unusual meeting because we were celebrating our first million dollars.

When you talk about $1 million in St-Basile or Iroquois you do not talk about it in the same voice that we do on Parliament Hill. There it means something. We have $1 million available to this small community of 350 people. You have no idea what service this $1 million can render. This fund can serve for many operations, almost anything we could think of, such as building new homes, sending our boys to school, paying for colleges, putting up new buildings, buying farming equipment, house restoration, even vacations. It has completely changed the situation in the area.

I may add that at the meeting to which I just referred I was presented with a very much appreciated gift for the work I had

done as a founder of the organization and for the interest I had taken in it, and still do. Needless to say, I was very honoured but I was more pleased to think that people were actually making use of this fund.

Hon. Mr. O'Leary (Antigonish-Guysborough): What is the number of members?

Hon. Mr. Fournier (Madawaska-Restigouche): Roughly 350.

[*Translation*]

Honourable senators, perhaps I will be criticized for having made all my comments in English. It will be nothing new if I am criticized by certain newspapers; anyway, I do not care.

It goes without saying that it would have been much easier for me, and perhaps less boring, if I had made my comments in my native language. I would have made them with greater ease and I would have felt much better.

Nobody except me realizes the effort I am making here. This effort is much greater than you would think, for, not having yet succeeded in perfectly coordinating thought and speech, I have to think in French and translate simultaneously—if I may use that term—and, believe me, it is not an easy thing to do.

Hon. Mr. Martin: You are very fluent in both languages.

Hon. Mr. Fournier: Thank you. As I have set my heart on becoming perfectly bilingual one day—if such a thing is possible—this house gives me a good opportunity. I am asking you to forgive me my mistakes for I often do not say what I would like to say, but rather what I can say, and I am aware of expressing myself rather badly.

I would like to tell my English-speaking colleagues this: if you wish one day to become bilingual, do your best, as I do; it is sometimes humiliating—as I know from experience—but your efforts will be appreciated. We are always prepared to help you. Do not wait until you know a language perfectly, make the effort and, little by little, you will realize one day that it is not impossible, after all.

[*English*]

In closing, may I say that a tremendous challenge now faces the parliamentarians and the Senate of Canada. It will not be easy, as Senator Croll has said. No one has the immediate answer. Let us first make an assessment of our position, a true and realistic assessment. Let us not look at the problem with an attitude of indifference, because our freedom is at stake. Whether members of this committee or not, let us look not at what we get out of this but at what we can put into it. Let us make this individual assessment of our own situation, not by looking at what the others have that you have not, but rather by looking at what you have that the others have not, and then you may find yourselves in a much more comfortable position than you ever realized.

Hon. Eric Cook: Honourable senators, I wish to give this motion my warmest support.

It may be interesting to note that legislators have only been concerned with the welfare of the ordinary citizen in comparatively recent times. In 1845 Benjamin Disraeli referred in his novel *Sybil* to the fact that there were two nations, namely the rich and the poor, and that these two nations were as ignorant of each other's habits, thoughts and feelings as if they were inhabitants of different planets.

Around that time landowners were permitted to have steel man-traps and spring guns on their property to prevent poachers from taking the game. Around that period little boys were used as sweeps, and there were numerous cases of ill-treatment and abuse ending in the death of many of these unfortunates.

In the days before the enactment of the Plimsoll line one seaman in every sixty met a violent death. As late as 1910 it was not uncommon for shop assistants to work as many as 91 hours a week. Many more examples of the absence of any legal protection for the poor can of course be given. However, public opinion became more enlightened, and the law gradually shifted from being concerned only with the protection of property, and legislators became interested in the protection and wellbeing of the individual.

Already considerable progress has been made in social welfare legislation but much remains to be done. The field of social welfare is a very large one, and continuous study must be given to the matter before extensions are undertaken.

I agree with the Economic Council and with the proposer of this motion that the Senate might well undertake this task. The first step when discussing any problem is to get the facts, and all the facts, and to realize that the facts are constantly changing. The policies which were effective a few years ago may no longer be effective.

It is often stated that some welfare programs are wasteful. It is also contended that

the economy cannot afford the programs already in force. However, these are some of the matters concerning which a Senate committee would hear evidence. We may be able now to take further steps ahead, but on the other hand, we may have to pause, in which case it would be well to plan carefully now for the time when we can once more move ahead. Perhaps some items of welfare legislation should be discontinued, or some merged or expanded. Indeed, the very statements made in the Report of the Economic Council of Canada require further investigation, in order that their accuracy may be tested and the whole problem of poverty examined.

It is not too difficult for those who are organized in manufacturers' associations, trade unions and other like bodies to produce evidence for Government departments, in order to have the laws amended to remedy any inconvenience which they suffer; but it is not always easy or possible for the young or the old, the handicapped and the uneducated to do this.

We must, however, face up to the fact that regard must be had to our ability to finance further expansion of social welfare legislation. If it should be that, upon investigation, it becomes clear that we must pause and rest upon the plateau we have now reached, there is no need to lose heart or to throw in the sponge. If, at all levels of Government, men of good will are working and planning for the well-being of their fellow human beings, it will surely be but a short while before we can once again start the upward climb.

A Senate Committee on Poverty might well be the medium through which all those who are interested in the plight of the less fortunate of our fellow citizens can make their views known.

The members of the committee must, of course, examine the problem objectively. It would be highly dangerous to allow our hearts to run away with our heads. The country cannot afford unwise and over-generous schemes which place an undue burden on the economy. Indeed, the ultimate outcome of such legislation is but to hurt those whom they seek to help. To overload the economy will handicap the whole nation, and the last state of those now suffering from the effects of poverty will be worse than their first and present state.

If the committee receives the support and co-operation of the federal and provincial welfare and other departments, and the help and assistance of the churches and others concerned with the problem of poverty, it will perform a much needed and worthwhile service for Canada.

Indeed, such a committee might well rank with some of the more outstanding committees of the Senate, which have already inspired reforms in the laws of the land.

On motion of Honourable Mr. Choquette, on behalf of Honourable Mr. Belisle, debate adjourned.

NORTH ATLANTIC ASSEMBLY

COMMITTEE MEETINGS AT BRUSSELS—DEBATE CONTINUED

The Senate resumed from Tuesday, October 1, the adjourned debate on the inquiry of the Honourable Senator Lang calling the attention of the Senate to the Standing and Preparatory Committee Meetings of the North Atlantic Assembly, held at Brussels, Belgium, 20th May to 24th May, 1968, and in particular to the discussions and proceedings of the Meetings and the participation therein of the delegation from Canada.

Hon. Jacques Flynn: Honourable senators, Senator Fournier (Madawaska-Restigouche) has reminded me that it is about time for me to practise my French. Therefore, I will continue in my mother tongue.

[*Translation*]

First of all, honourable senators, I would like to congratulate Senator Lang for calling the attention of the Senate to the standing and preparatory committee meetings of the North Atlantic Assembly held at Brussels, Belgium, from May 20 to 24 last. I would like to say also that the reports I received about the work done by Senators Lang and Willis indicate that they did a remarkable and very efficient job and that they both made Canada proud.

I said that I found Senator Lang's inquiry very timely because 1969 will be a crucial year for the North Atlantic Treaty. He mentioned that section 13 provides that in 1969, twenty years after the signature of the treaty, any party will be allowed to withdraw or to terminate the treaty as far as it is concerned. That possibility creates for NATO a most difficult and disturbing situation, since in 1966 France decided to withdraw from the integrated force and asked her NATO allies to move their military bases and other installations out of France.

A second factor which must be kept in mind and which makes the situation disturb-

ing, as far as the NATO members are concerned, are the remarks made by the Prime Minister of Canada since last spring. If you reread the various statements made by Mr. Trudeau in April, May and August, you will see that he does not discard the possibility of Canada withdrawing from NATO. There is no doubt, when you examine his remarks—I could quote many of them but it would take too long—that he gave clearly the impression when he talked of reviewing, reassessing, analysing the position of Canada in NATO that the conclusion might be a simple withdrawal of the Canadian forces stationed in Europe under the auspices of NATO.

Moreover, after considering the remarks of the Prime Minister, and reading Senator Lang's speech again, we see that they are abysmally different, worlds apart in fact. Senator Lang declared himself a strong supporter of NATO. For him, Canada's withdrawal from NATO is completely out of the question. Indeed he did not object to a review of the matter, a review of the part Canada is playing, but the idea of a withdrawal is far removed from his mind. So he is diametrically opposed to the Prime Minister on the matter. That is probably why the Leader of the Government hastened to take the floor after Senator Lang, to bridge the gap between the opinion of the Prime Minister and that of Senator Lang; with his usual skill, the Leader of the Government told us repeatedly that it is quite clear to him that a review does not mean a withdrawal, even if he suggested that he could not speak for the Government at this time.

He also indicated that he remained a supporter of NATO. Nothing of what he said shows that new factors should be considered in the review of our role within NATO, our participation in the joint defence provided by this treaty. We will eventually see how it will be possible to reconcile Senator Lang's opinion with that of the Prime Minister, and we will see whether we will be able to follow the golden middle-course dear to the Leader of the Government.

Another interesting aspect of Senator Lang's speech was his pessimism with regard to France. He seems to take for granted, and perhaps rightly so, that France has decided to withdraw from NATO next year.

He ascribed to General de Gaulle rather sinister purposes as regards Great Britain, the United States and even Canada. There are indeed certain things, certain positions, certain attitudes of General de Gaulle with which I entirely disagree and I suppose that in this regard I share the opinion of Senator Lang; but between that and putting in the same bag the problem raised by the refusal on the part of France to admit Great Britain in the Common Market, and the aspirations to supremacy on the part of France, I believe there is quite a difference. Be that as it may, even in this respect, Senator Lang could not find any support in the present Government, since Senator Martin intervened and expressed his optimism as regard the decision France will have to make next year. As far as I am concerned, as far as we are concerned on this side of the Chamber, we wish to share this optimism of the Government Leader, and we hope France will not withdraw from NATO.

Hon. Mr. Martin: Hear, hear.

Honourable Mr. Flynn: We believe with senator Lang and with the leader of the government—and in this respect we do not entirely agree with the Prime Minister, unless he has changed his mind lately as a result of the situation in Czechoslovakia—that the conditions under which Canada became a member of NATO 20 years ago have not substantially changed. We believe that if we were justified in signing the treaty and in becoming a party to this joint system of defence in the North Atlantic area, there is no other new fact today which suggests that we should not remain in NATO and continue to play our part while reappraising the situation. Let us have a review of our role; but we also have responsibilities and, again, conditions have not changed. In any event, they have not changed to the extent where we should seek a new principle of action other than the collective defence initiated through the NATO treaty.

A while ago I mentioned the Russian invasion of Czechoslovakia. I see in that action not so much an aggressive move on the part of Russia against western nations but rather a defensive move. I feel that the U.S.S.R. fears that the countries she was keeping under control, by evolving towards greater democracy and greater freedom, might turn not only from an ideological point of view but also from the economic, and therefore military point of view, towards the western powers. But the fact remains that the U.S.S.R. proved in Czechoslovakia that she still believes in force. That alone should be enough for us to decide to stay within NATO.

The Leader of the Government told us, if I remember correctly, in the speech he made during the Throne Speech debate, that he foresaw for the Senate a far more active role

in the field of external affairs. On that score I had already indicated my support and my approval. All the senators have since endorsed the suggestion of the Leader of the Government. Well, I should like to say to the Leader of the Government that it seems to me that one of the first questions, if not the first, which should be referred to the standing committee on external affairs of the Senate, is precisely that question of NATO.

Public opinion should certainly be alerted and educated in this particular regard. Generally speaking, to most people NATO is a very vague concept because, after all, who can recall exactly what reasons Canada had, 20 years ago, to become a member of that mutual defence system? Moreover, why could we not, we, members of the Senate, acquaint ourselves further with the matter and obtain from the officials of the department a mass of information on our participation, our experience, and our future plans? Thus, by becoming more familiar with the subject ourselves, we can better inform the public. The public will then be in a position to crystallize, at least in part, what the Government thinks or at least what the Prime Minister thinks; it might help him to reach a decision.

Hon. Mr. Martin: I feel that it is not a question of being undecided but rather the fact that the present Government is now studying the matter; it is not a question of indecision.

Hon. Mr. Flynn: That is perhaps the way the Government Leader sees the matter, or perhaps that is the only interpretation he can put upon it, and therefore it is logical that he should have wanted to give us the assurances he gave us the other day. Nevertheless, the fact remains that if we look at the various statements made by the Prime Minister, there is no doubt that he was thinking of pulling out of NATO and that the invasion of Czechoslovakia may perhaps lead him to modify his policy. Our NATO allies, naturally, are concerned and the people are wondering what direction the Government is taking. Anyhow, it is certain that if public opinion is better informed and able to share the views of Senator Lang and those which, I think, are held by the Government Leader—and they are much more definite that those of the Prime Minister—we will be better able to make a decision which will reassure our allies and prevent other defections. I am convinced that if the NATO alliance were to fall apart, a substitute would have to be found in order that we might still have a system of collective defence such as this one, which has been very useful and has given excellent results so far.

In my opinion, NATO should be maintained, and if it is not, it will have to be replaced by another alliance based on the same principles. That is why I repeat my suggestion to the Government Leader to refer this question as soon as possible to the Senate committee on external affairs.

[*English*]

On motion of Hon. Mr. Leonard, debate adjourned.

CANADIAN NATIONAL RAILWAY BILL

CONSTRUCTION OF LINE OF RAILWAY NEAR WINDFALL, ALBERTA, AND OF A CONNECTING SPUR—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-109, respecting the construction of a line of railway in the Province of Alberta by Canadian National Railway Company from the vicinity of Windfall on the Windfall Extension to the Sangudo Subdivision of the Canadian National Railway in a westerly direction for a distance of approximately 51 miles to the Bigstone property of Pan American Petroleum Corporation and of a connecting spur extending in a northerly direction for a distance of approximately 9 miles to the South Kaybob property of Hudson's Bay Oil & Gas Company Limited and its associates.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, October 10, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Unemployment Insurance Commission for the fiscal year ended March 31, 1968, pursuant to section 95(2) of the Unemployment Insurance Act, chapter 50, Statutes of Canada, 1955. English and French texts).

Report of the Unemployment Insurance Advisory Committee for the fiscal year ended March 31, 1968, pursuant to sections 89(1) and 90(2) of the Unemployment Insurance Act, chapter 50, Statutes of Canada, 1955. (English text).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, October 9, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

HON. SYDNEY J. SMITH, P.C.

UNVEILING OF PORTRAIT AS FORMER SPEAKER

Hon. Paul Martin: Honourable Senators, I am sure we would all want some reference to be made in our proceedings to the happy event which took place this morning in the unveiling of the official portrait of the former Speaker of the Senate. I regret that because of a cabinet meeting which I had to attend, I was not able to participate in the ceremony along with other honourable Senators. I am grateful to Senator Connolly (Ottawa West) for having undertaken to speak on behalf of the Government and on my behalf. I may say for the Prime Minister and my colleagues in the Government, we were pleased to recognize the practice which has grown up over the years of designating the retiring Speaker of the Senate as one entitled to the suffix P.C., designating that person a member of Her Majesty's Privy Council in Canada. This is a title that Senator Smith is entitled to carry throughout his life. It is an honour that he well deserves. The occasion is one on which all of us are privileged to confirm our high appreciation of Senator Smith's qualities of manhood and to express our gratitude for the way in which he presided over the deliberations of the Senate.

Hon. John J. Connolly: Honourable senators, I hesitate to impose myself as often as I do upon the Senate, but in fairness I should say that one of the features of the very splendid event this morning was that we were able to announce that Senator Smith had been designated a member of Her Majesty's Privy Council. That this had been done so expeditiously is entirely due to the efficient work of the Government Leader in the Senate (Honourable Mr. Martin) in making sure that it was done in time for the ceremony this morning. It pleased us all, and I am sure it pleased Senator Smith.

PRIVATE BILLS

AETNA CASUALTY COMPANY OF CANADA—FIRST READING

Hon. Eric Cook presented Bill S-11, to incorporate the Aetna Casualty Company of Canada.

Bill read first time.

Hon. Mr. Cook moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

THE BONAVENTURE AND GASPE TELEPHONE COMPANY LIMITED—FIRST READING

Hon. Leopold Langlois presented Bill S-12, respecting The Bonaventure and Gaspe Telephone Company Limited.

Bill read first time.

Hon. Mr. Langlois moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

THE EXCELSIOR LIFE INSURANCE COMPANY—FIRST READING

Hon. T. D'Arcy Leonard presented Bill S-13, respecting The Excelsior Life Insurance Company.

Bill read first time.

Hon. Mr. Leonard moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

LIBRARY OF PARLIAMENT

JOINT COMMITTEE—CHANGE IN COMMONS MEMBERSHIP

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons to acquaint the Senate that the names of Messrs. Nystrom and Rose have been substituted for those of Messrs. Gleave and Harding on the list of members appointed to serve on the Joint Committee on the Library of Parliament.

RULES OF THE SENATE

SECOND REPORT OF SPECIAL COMMITTEE

Hon. Hartland de M. Molson, Chairman of the Special Committee on the Rules of the Senate, presented the committee's second report:

> That your committee have power to engage the services of such staff and technical advisers as may be necessary for the purposes of its examination.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Molson: Honourable senators, I move, with leave of the Senate, that this report be adopted now.

Hon. Arthur W. Roebuck: Honourable senators, I should like to say a word on the adoption of this report.

We are fortunate in the Senate to have a skilled and highly-informed counsel whose services no doubt this committee may regularly engage. I refer to Mr. Hopkins.

I point out not only that, because the committee knows it, and, no doubt, will take full advantage of his knowledge, but also that our counsel has recently published a book entitled *The Confederation at the Crossroads.* I think the title is a misnomer, but it was chosen probably because the phraseology is somewhat catchy. However, this is a textbook of the most valuable character in that it contains a wealth of knowledge, material, and is excellent reading. I commend it to the attention of all my fellow senators. At the present moment I am halfway through the concluding chapter, so I am in a position to say that it is an outstanding book and one with which we should all be familiar.

Report adopted.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, October 15, 1968 at 3 p.m.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Mr. Martin: Honourable senators, perhaps I could, as I agreed last week, prognosticate the work of the week ahead.

We will resume our sittings at 3 o'clock Tuesday. Because of an event which will give us all much pleasure to attend, we will not sit on Tuesday night.

The consideration of amendments to the Supreme Court Act, if not concluded today, will be taken up again next week. There will be second reading and consequent debate on Bill C-109, the Windfall line extension of the Canadian National Railways. Bill C-111, the Farm Improvement Loans Act, will be introduced. There will be two private bills in committee, which I anticipate will be reported, possibly next Wednesday. There will be consideration of three more private bills on second reading, presumably on Tuesday. We will consider the Precious Metals Marking Act, which will be reported, I presume, next Wednesday or Thursday.

In addition, the Rules of the Senate Committee will be holding a series of meetings, as we were told yesterday by Senator Molson. I understand there is also to be a meeting of the Finance Committee and the Banking and Commerce Committee.

I understand from arrangements made today by the Whips that we shall have some further speakers on the order standing in the name of Senator Croll for an examination into conditions of poverty in Canada.

CENSUS AND STATISTICS

REFERRED TO COMMITTEE

Hon. Chesley W. Carter moved, pursuant to notice:

> That the Standing Committee on Banking and Commerce be authorized to inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation and recommend any changes in such legislation and administration required to establish and develop the census and statistics service as a vital

and efficient aid to the good government of Canada and the advancement of private business in the public interest.

Motion agreed to.

RHODESIA

MEDIATION IN CONSTITUTIONAL DISPUTE

On the Orders of the Day:

Hon. Chesley Carter: Honourable senators, I gather from what His Honour the Speaker said yesterday that it is in order to put oral questions to the leader, on Orders of the Day. I should like to take advantage of this opportunity to ask a short question consisting of two parts.

In view of the fact that meetings are once more taking place between the prime ministers of the United Kingdom and Rhodesia, can the leader inform the house, first, as to whether Canada has made any efforts to mediate in the dispute between the United Kingdom and Rhodesia; and, second, what factors determine Canada's attitude in this matter?

Hon. Paul Martin: Honourable senators, with regard to the first part of the question, it will be recalled that, before the Smith government made an illegal declaration of independence, our Government had stated that it had joined with other Commonwealth governments in trying to persuade Prime Minister Smith not to take this dangerous step.

Whether or not that intervention should be regarded as mediation, I do not know. However, there has been that unilateral declaration of independence by the government of Mr. Smith, and all Commonwealth countries, including the United Kingdom, have joined together in protesting this illegal act. Since this illegal act took place, the Canadian Government has not endeavoured to mediate and does not propose to do so.

It must be remembered that the government of Smith is not, and is not to be regarded as, a sovereign government. Britain continues to be the colonial power. Actually, there are discussions now under way between Prime Minister Wilson and Mr. Smith, but the Prime Minister of the United Kingdom has made clear that, while he would wish to be able to bring about some accommodation—an accommodation, I am sure, which would mean a restoration of the *status quo ante* with regard to the question of the constitutional position of the government of Rhodesia—nevertheless, whatever accommodation is reached, it will be within the six points; and that will fully conform with the policy of Canada.

Hon. Mr. Carter: Honourable senators, I should like to thank the Leader for his kind answer. Would he permit a further supplementary question?

Is not Canada's very active role in the United Nations with respect to Rhodesia somewhat inconsistent with Canada's role with respect to the Nigerian problem?

Hon. Mr. Martin: Honourable senators, my answer to that is "no". In the case of Nigeria we are face to face with a sovereign power, with a member of the United Nations, with a country that is beholden to no other authority for its external representation or defence policy or domestic policy. It is a sovereign power, like Canada. That is not the situation in the case of Rhodesia: it is not a sovereign, independent power.

As I said a few moments ago, Rhodesia's declaration of independence was illegal, unconstitutional. Britain continues to be the colonial power and there continues to reside in the British Government the ultimate authority, in certain phases of defence and certain matters connected with the foreign policy of Southern Rhodesia. So we are not dealing with identical entities. The one is a power that is beholden in part to another: the other is a fully sovereign country.

NATIONAL DEFENCE

REPORT RE DEATH OF PARACHUTISTS AT PETAWAWA

On the Orders of the Day:

Hon. George S. White: Mr. Speaker, I would like to address a question to the Leader of the Government.

Will the Leader of the Government obtain and table a copy of the report of the Board of Inquiry into the death of seven army parachutists on May 8 last, at Petawawa? According to the press, this report was released yesterday.

Hon. Mr. Martin: I will be glad to do that.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—ORDER STANDS

On the Order:

Resuming the debate on the motion of the Honourable Senator Croll, seconded

by the Honourable Senator Roebuck, that a Special Committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.—(Honourable Senator Bélisle).

Hon. Rhéal Bélisle: Honourable senators, I would ask that this order stand until the next sitting.

Hon. Mr. Martin: Honourable senators, I expected that this Order would go on today. I know there are a number of speakers on this side and I understood there were at least two on the other side.

Hon. Mr. Flynn: I am quite sure that Senator Bélisle would not object to yield, if another honourable senator wishes to speak.

The Hon. the Speaker: We will again call Order No. 1.

Hon. Mr. Bélisle: Your Honour, I said that I would stand the order until next sitting, but I am quite willing to yield.

Hon. Mr. Martin: I am not objecting to the honourable senator taking that position. I had merely hoped that we could get on with the business.

Order stands.

NORTH ATLANTIC ASSEMBLY

COMMITTEE MEETINGS AT BRUSSELS

The Senate resumed from yesterday, the adjourned debate on the inquiry of the Honourable Senator Lang calling the attention of the Senate to the Standing and Preparatory Committee Meetings of the North Atlantic Assembly, held at Brussels, Belgium, 20th May to 24th May, 1968, and in particular to the discussions and proceedings of the meetings and the participation therein of the delegation from Canada.

Hon. T. D'Arcy Leonard: Honourable senators, I would like to start by congratulating Senator Lang on initiating this debate as well as on the excellence of his own speech in opening. I was not present to hear it but I read it with the greatest of interest and pleasure. Senator Lang thought that the fact that I had been in Czechoslovakia at the time of the recent invasion might have some bearing on the debate on this subject. He felt that if I had any views they might be of interest to the Senate, and it is on that basis that I speak now.

While my own personal participation as a witness of some of the things that happened is certainly not by any means an epic story, nevertheless I did see enough to form some definite impressions and to arrive at certain conclusions which have a bearing on my opinion with respect to NATO, which views might be of interest to you.

My wife and I were on a holiday trip and arrived in Prague on August 15, some five or six days before the actual invasion took place. We had been in Prague a few years before. We liked it very much at that time and we made up our minds we would try again some day to go back. It is a beautiful city. It is a great historical city and the people are very fine indeed. We also thought we would like to see some more of Czechoslovakia, if we ever got back there. In the course of our lengthy travels, we have taken in a good many countries; indeed, we have been in all the countries behind the Iron Curtain, including Russia. Of them all, there are only two that we felt we would like to go back to, from the standpoint of pleasure and enjoyment. One was Czechoslovakia and the other was Yugoslavia. We returned to both of these countries this year.

Naturally, in June and July there was some doubt in my mind as to whether we should not change our plans because it was obvious from press reports that there were differences of view between the U.S.S.R. and Czechoslovakia, and there was some feeling that the liberalization movement going on in Czechoslovakia at that time was in some way antagonistic to the views of the U.S.S.R., and the troops were dragging their feet in leaving Czechoslovakia. So I was quite prepared to change our plans if there was likely to be any difficulty. As you will recall, however, the representatives of the two countries met in Bratislava early in August, and the communiqué that was issued on August 3 as a result of those meetings was reassuring. The tone of it was to the effect that whatever differences there had been between them seemed to have been mutually agreed upon and settled. Indeed, from the Czechlosovakian standpoint, it seemed almost as it they had had their way and won the day.

How wrong that was, subsequent events proved. One now knows that even though at that time the U.S.S.R. appeared to have accepted the Czechoslovakian position, they were already preparing for the invasion.

However, so far as we were concerned, we found everything very peaceful, quiet and serene. The people were going about their

business in the usual way. Not only was there no trouble, but there was no sign of trouble and no indication of fear of trouble.

On the Saturday before the invasion took place we rented a Czechoslovakian car. It had a Czechoslovakian licence, of course, which had some bearing on what happened afterwards. We rented it from the Cedok-Intravel, which is the government travel organization, being another of the state controlled operations in that socialist state. We drove from Prague to Karlovy Vary, in Bohemia. Karlovy Vary used to be part of Germany and in those days it was known as Carlsbad and was a famous spa resort. King Edward VII used to go there, as did some other well known personages. It is still a very beautiful place in a very attractive location with thermal springs. It does not have the grandeur of the nineteenth century, but it is still a very pleasant place to be. It is about 100 miles from Prague and 30 miles from the border between Czechoslovakia and West Germany.

We used Karlovy Vary as our headquarters, driving out from there through the countryside to various other towns and places in Bohemia. It is also known to us in poetry and literature as a place of considerable romance and charm, and, indeed, it is a charming place. Again, there was no sign of any trouble; there was no indication of any fear; no alarm whatsoever. Things were just as quiet as one might normally expect. On the night of Tuesday-Wednesday, August 20-21, the night on which the invasion took place, we attended a concert in the large auditorium in Karlovy Vary. It was a very distinguished concert. People were dressed in evening clothes and obviously they all enjoyed themselves. It was a fine concert and we enjoyed it too.

Looking back afterwards, my wife and I were reminded of the words of Byron's poem, "On the Eve of Waterloo":

> There was a sound of revelry by night...
>
> But hush! hark! a deep sound strikes like a rising knell!

In this case it was not the cannons' roar but the roar of airplanes. Within two or three hours after retiring for the night, we were awakened by the noise of planes overhead. I went to the balcony of our room and looked up, but the planes were too high. I was not able to see them. But there was a steady drum of airplane engines, of so many in fact that one quite knew that something extraordinary was on the way.

I was alarmed, naturally, and I had my qualms. I suspected that perhaps there was trouble ahead. But there was nothing we could do at that time except go back to bed and get up early in the morning. This was the day we were going to arrive back in Prague. The following day, Thursday, we were going to fly to Vienna. So I packed early and went down to the lobby of the hotel. There I found the staff all gathered around the radio. The women were in tears and the men were sober and obviously very worried.

They told me the news. I had suspected by that time the Russians had moved in during the night and that their planes, tanks and guns had taken all the airports. They had moved into Prague and their tanks were in Wenceslaus Square. Incidentally, the hotel in which we had stayed the previous weekend and to which we were planning to return that day, Hotel Jalta, is situated on Wenceslaus Square. I learned that Dubcek was missing, and that there would be fighting and killing, that the borders would be closed, and that the approaches to Prague were blocked.

Under the circumstances, obviously, there was no use in my starting out to drive to Prague; that is what everyone told me. Because of the fact that we could stay on in the hotel, we decided for the time being to stay put.

During the day we investigated the possibility of driving the car to the West German border, about 30 miles away. We were several hundred miles from the Austrian border, and had been informed that the border was blocked and we would be unable to get through. I tried to get a Czech, either from Cedok or somewhere else, to come with us and take the car back, but it was impossible to get anyone, even though we canvassed all possibilities. We decided therefore to remain where we were that day.

During the day, of course, we were in the streets listening, watching and talking to the people. The free radio was broadcasting constantly and announcements were being made for the most part by one man and one girl. The free radio continued at least six days and six nights. This was rather remarkable because the Russians had seized all the local radio stations. This station kept moving around to escape the Russians, and they had to pick up what news they could through their own sources. Everyone was listening to their transistors and to the broadcasts coming from the Central Building in the town. We picked up some news from various people.

Circumstances became worse as the days moved on, such as an increase in the number of troops, more killing and so on.

The young people of Karlovy Vary demonstrated; they organized parades and marched through the streets shouting for Dubcek and Svoboda, to show their support for the Czechoslovakian government. They carried signs reading, "Russians, go home", and distributed flags and generally showed antagonism to the invasion that had taken place.

The Moscow Papp Hotel in which we were staying is a rather famous old hotel, and was named after the man who used to run it, Mr. Pupt.

When the Russians moved in in 1945, following the retreat of the Germans, they were of course, hailed as saviours of Czechoslovakia and were welcomed with open arms. The name of this particular hotel was then changed, in honour of the Russians, to the Moscow-Pupt Hotel and for all these years has borne that name. I saw a young girl climb up a ladder with a bucket of paint and brush and black out the name "Moscow", to the cheers of everyone around. This was rather typical of the feeling of the people. Up to this time, of course, the Russians were supposed to be friends of Czechoslovakia.

As I said before, we stayed there all day Wednesday. Thursday morning I was up early and went to the Cedok office as soon as it opened to endeavour to find out what had happened through the night. I was still unable to obtain much news, except that apparently some telephone calls from Prague got through. I tried to put in a call to the Canadian Embassy in Prague but after an hour or two, I was told it was impossible to get through. There did, however, appear to be some indication that possibly foreigners were crossing the border into West Germany. When we got that news my wife and I decided to drive immediately to the West German border.

We checked out of the hotel, but asked them to keep a room for us in case we had to come back that night, and drove off. A few miles out we ran into a line of some 20 or 30 cars which were stopped. We also stopped and went to see what the trouble was, expecting to find a Russian barricade. However, though it was a barricade, it was not one erected by the Russians; it was a barricade erected by the Czechs themselves as part of a demonstration called for that day over the free radio all over Czechoslovakia, and a general strike of all the people of Czechoslovakia to show their resistance to the Russian invasion.

Again they had their signs and again it was quite evident that they were all terribly shocked and strongly opposed to what had taken place. The general strike had been called for one hour, and during that time not a wheel turned, not a car moved and throughout Czechoslovakia not a person worked. At one o'clock when the time was up, the barricade was pulled away, people cheered, and we went on.

We got to the border in perhaps another three-quarters of an hour, and at the border there was a Russian tank and Russian soldiers supervising what was going on. However, they were allowing the Czech customs, immigration and police officials to permit those people in foreign cars to leave. In fact all the other cars accept my own were German, French or from the United Kingdom and were being allowed through after being scrutinized and checked.

When they came along to my car, bearing a Czech licence, it posed a problem for them. Fortunately there was a young man in the car ahead of me, a German from West Berlin, who in addition to his own language spoke English and Russian. He volunteered to help, and his help was very valuable indeed. He conveyed the information to the Czech officials that I had rented the car and I was prepared to leave it there and get across the border in whatever way we could manage. It took a little while to satisfy them. They made us pull out of the line, and went through the car with a fine-tooth comb, searching it thoroughly, even under the hood. They also went through our papers very thoroughly. Finally, the chief customs officer took the responsibility of taking over the car, the papers and keys. Once he had reached this decision, he was most helpful. He took our bags out of the car for us and asked how we were going to get across into Germany. He informed us that there was a no man's land of about half a mile in between. I said that we would walk if necessary, but asked if there was any form of transportation available. He said we could get a taxi and he actually telephoned for one for us.

In due course a taxi drove up; it was a Mercedes Benz driven by a charming German lady. It transpired that she was one of a voluntary service operated by the Germans helping anyone who was trying to get out of Czechoslovakia. She not only drove us across the no man's land but also took us through

the German customs and immigration like a breeze, and drove us 10 miles on to the railroad station where we got a train to Frankfurt. This was like coming from hell to heaven. She refused to accept any payment; she would not even accept a gift. So all I could do was to kiss her goodbye.

Hon. Mr. Martin: It was certainly a chivalrous act.

Hon. Mr. Leonard: This may be somewhat boring, honourable senators, but two things struck me very forcibly and these are the things I want to convey to you. The first was the complete surprise and shock that this was to the people of Czechoslovakia. One might think they should have been more concerned about this in the light of what had happened in the past, but to them it was simply a stab in the back from friends. Whatever they might have thought of the difficulties as between their country and the Soviet Union on matters of political progress, they certainly did not expect that there would be any resort to arms. This was definitely regarded by them as a rape of Czechoslovakia.

The other thing that impressed me forcibly was the complete solidarity of the Czechs. Whatever specious propaganda the Russians might have thought they could put across about coming to the help of the people of Czechoslovakia was certainly proved to be completely false. The people of Czechoslovakia were 100 per cent against the operation and it was abundantly clear to everyone that the Russians were unable to find any Quisling, Ulbricht or Gomulka to take over and do their bidding.

One cannot blame the Czechs, honourable senators, for not actively resisting with force. Had they done so, it would have resulted in a blood bath. But unquestionably the passive resistance was universal and continues to go on. Unfortunately this will mean—and it has already developed—a tightening of the screws, and their lot is not going to be a very happy one. It will grow harder and harder, but it may well be that ultimately it will be proved that in this case the Soviet Union has bitten off more than it can swallow. I think the reaction of the world, the reaction of some of their own people and of other communist parties, particularly those of Roumania and Yugoslavia, have had a very considerable effect on Russian thinking.

These two things are important to be kept in mind: first, that it was a complete surprise and an act of treachery and, secondly, that the people themselves are completely opposed to what has taken place.

Later we travelled from Frankfurt to Yugoslavia. Lest honourable senators might think it was a foolhardy action and that we were going from the frying pan into the fire, I should say that I did check with the Canadian Embassy in Athens before going on to Yugoslovia. Actually it was our fifth trip to Yugoslavia and we know the country and the people quite well. We received sufficient assurance from the embassy that it seemed to be all right to travel into Yugoslavia. There we found quite a different situation from that in Czechoslovakia. There is no doubt at all that if Yugoslavia were attacked, it would fight back. It would be war. This is due to the character of the people and to their history. And probably because of the qualities of the people and the terrain of the country they might very well be successful in resisting the power and might of the U.S.S.R. As all honourable senators are aware, Tito had denounced the invasion by the Soviet Union as being a brutal act, and the feeling of the people of Yugoslavia with whom we talked indicated to us that they were not at all afraid of what might happen.

Now, honourable senators, I bring this to a conclusion by relating what I saw to Senator Lang's motion as to NATO. I hope I have not bored you with this experience, but unquestionably my own mind has changed with regard to NATO. If we are to deal with this kind of mental and moral complex that we have seen in the action against Czechoslovakia, we are dealing again with the same kind of thing that Hitler or Stalin did. It is something that is foreign to our own thinking.

We do not want, we do not anticipate, and I hope that we will not have, any more wars of any size. I would not anticipate even now that this will happen in Roumania, Yugoslavia or any other country; but I did not anticipate that it would happen in Czechoslovakia. It is going to require a great deal of thinking, planning, hard work and negotiation to be sure that we can now avoid another war, that we can maintain peace and security; and I do not think we will get it by argument, reason or logic alone. It seems to me there are only certain kinds of arguments that really would have an effect on the minds of those who would perpetrate an invasion of Czechoslovakia.

Whatever work has to be done, whatever planning we are going to do, whatever negotiating we are going to do, we must plan and

negotiate from strength and not from weakness.

Hon. Senators: Hear, hear.

Hon Mr. Leonard: Whatever need existed for NATO twenty years ago, or at any time during the intervening period, that need is just as great now as it has ever been.

So, the conclusion I reach is that, to maintain peace and security, or to do our best to maintain peace and security in the hope that we will accomplish it, the strenthening of NATO is the policy we must pursue. Whatever the price is, that is the price we must pay.

SUPREME COURT ACT

BILL TO AMEND—MOTION FOR ADOPTION OF REPORT OF COMMITTEE—MOTION IN AMENDMENT—DEBATE ADJOURNED

The Senate proceeded to consideration of the report of the Standing Committee on Banking and Commerce on Bill S-8, to amend the Supreme Court Act, which was presented yesterday.

Hon. Lazarus Phillips, for Senator Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, moved that the report be adopted now.

Hon. Arthur W. Roebuck: Honourable senators, as I said on a previous occasion, in my judgment this is a very important bill, one which touches principles deeply imbedded in our consciousness, of long standing and of great importance. While I am critical of some of the details of the bill—which, with your kind permission, I will discuss at some length—I am more concerned with the general tendencies which the bill intensifies than I am with perhaps the exact details.

I would like to point out that in 1956 we passed an act raising the limit of jurisdiction of the Supreme Court of Canada from causes in which the minimum of $2,000 was in issue to those in which $10,000 was in issue. In doing so we closed the door of this court on the great masses of the ordinary citizens of this country. There was an English jurist who once made the comment that the doors of the court were open to all mankind, be they rich or be they poor. Then, after a little pause, he added, "—just like the doors of the Ritz Carlton!" I am afraid that we are making the doors of this court somewhat similar to the doors of the Ritz Carlton—for the rich man and not for the ordinary citizen and, above all, not for the poor.

I remember hearing a statement by an admirer of our Constitution and our economy, that in this country our laws were such that they gave equal rights to the rich and the poor—to sleep under a bridge. Well, this increase in the minimum monetary jurisdiction of the Supreme Court of Canada slams the door in the face of the ordinary people and the ordinary sized businessmen of Canada.

I spoke on another occasion of the poor and, of course, they are included, but the blockade that is now being erected and intensified by this bill does not only extend to the poor but, I repeat, also to the ordinary people and the ordinary small businessmen of this country.

How often as the years go by has the ordinary businessman a cause in which as much as $10,000 is in issue? And how often has he the funds available to pay the inordinate costs of an appeal to the Supreme Court of Canada? I will have something to say about those costs in the course of my remarks.

Clause 2 of the bill intensifies the evil of the 1960 act in the raising of the minimum of the jurisdiction of the court from one of $2,000 to that of $10,000, by making the change apply to something that was overlooked, I would think, when the bill of 1956 was enacted.

May I read, in part, clause 2 of the bill so that we may have in our minds, as clearly as possible just what is being proposed.

> Section 39 of the said Act is repealed and the following substituted therefor:
> "...an appeal to the Supreme Court lies on a question of law with leave of the highest court of final resort in a province from a final judgment of another court of that province, the judges of which are appointed by the Governor General, pronounced in a judicial proceeding where the amount or value of the matter in controversy in the appeal exceeds ten thousand dollars—"

Whereas, heretofore it has been $2,000.

> —"and an appeal lies to that court of final resort—"

That is another qualification: the appeal must lie to that provincial court. Then, in addition:

> "if the consent in writing of the parties or their solicitors, verified by affidavit, is filed with the Registrar of the Supreme Court and with the registrar, clerk or prothonotary of the court from which the appeal is to be taken."

It is a little difficult to grasp the meaning of that quickly. It means that with the consent of an appeal court of one of the provinces to which a right of appeal exists as to a judgment from a court of first instance, an appeal may be made directly to the Supreme Court of Canada, bypassing the provincial court, when the parties or their solicitors consent. The minimum at present is $2,000. If this bill becomes law it will be $10,000.

This is a useful provision, and one that I have taken advantage of on occasion. When it was not necessary to make two arguments—that is, one to the provincial court of appeal, and later to the Supreme Court—we have obtained the necessary consent, and made the appeal from the court of first instance directly to the Supreme Court of Canada.

We did that in the constitutional appeals which I personally argued on behalf of the Province of Ontario, following the Bennett regime in the early years of the King regime. That would be about 1936. It was a useful provision. It saved costs. We reached the final court in Canada in one step instead of two, with a consequent saving of time and money.

There are not many appeals of that kind so to that extent this tightening of the court is not so critical as that of 1956, but in principle it is just as bad.

In a practical way, I think that clause 3 is even more important. Clause 3 provides for the repealing of section 44A of the act, and the following substituted therefor:

> Notwithstanding any other Act of the Parliament of Canada, all applications for leave to appeal to the Supreme Court shall be heard and determined by the Court—

that is, by the Supreme Court.

> —and any three judges of the Court constitute a quorum—

I think my lawyer friends will agree with me that in the past when it was necessary to ask for leave to appeal to the Supreme Court of Canada, application might have been made to the appeal court of the province. In the provincial appeal court the typewritten transcript evidence was used, and also a trip to Ottawa was avoided, as was also the necessary paraphernalia of this rich man's court. Honourable senators will note that this practice is to be abolished by this clause in the bill, and that application must then be made directly to the Supreme Court of Canada.

If I am right, we were permitted to apply rather informally to a single judge of the Supreme Court of Canada. I have been present on such an application. Such an application must under this bill now be made to three judges which involves, of course, more formality, and with formality there is usually increased expense. This means that the parties who wish to appeal to the Supreme Court of Canada with a case involving less than $10,000 must make a preliminary trip to Ottawa, and at that time be ready to argue the whole case and justify it before it comes on for trial. This is just adding expense to expense, and building blockades in the road to what we hope is justice.

Honourable senators, is not the present expense sufficient? This court of ours in Ottawa requires the printing of almost the entire case; not the exhibits, but the factum, the appeal book and the whole of the evidence have to be printed. I am not exaggerating when I say to you that the cost of all this printing in an ordinary case brought before this court can be $1,000, and sometimes very much more. That expense must be incurred before the litigants are given a hearing.

In all the other courts of appeal of the provinces a typewritten transcript of the evidence is used and perfectly effectively, but when the litigant comes to the Supreme Court of Canada everything except the exhibits must be printed, and everyone knows the cost of printing these days. It seems as though the real purpose is to erect obstacles in the way of those seeking justice.

We have an assurance, I understand, that these restrictions will not lead to a tightening of the Court's decisions in regard to leave to appeal. I am referring here to section 41 of the present act, which now makes it possible for the intending litigant to apply to the Supreme Court of Canada or to the provincial court for leave to appeal to the Supreme Court of Canada, though the amount in issue may be insufficient. The Supreme Court of Canada may grant that leave, and we are assured now that the tightening of other provisions in the act will not influence the Court's decisions in respect of applications for leave under section 41.

I accept that assurance, but what does it amount to? I have personal experience in this connection. The judgment of the Court is not based solely on the merits of the applicant's cause of action but rather on the question of whether the obstacle of the financial limitation has been surmounted and, second,

whether the decision is on a point of law, and, third, whether there is involved a point of law on which a decision will be of benefit to the nation generally, and will help develop Canadian jurisprudence. It is not entirely a question whether justice has been done in the courts below but whether some extraneous matter, in which the litigants have not the slightest interest, is also involved. I know personally of a case in which the justice of the decision of a lower court was in issue, and the judges, on adding up the various items constituting the financial issue, found the total was $200 or $300 below the $10,000 required and threw the parties out. They refused to decide the real issues of the case; they threw it out on the ground that there was involved a few dollars less than the $10,000 required. That does not appear to me to be the quality of justice we in this chamber should demand from the courts of our country.

I know of only one reason put forward to justify the restrictions in the present bill or in the one that preceded it, and that is the convenience of the court. But for the blockade there would, of course, be more cases on the court docket. These restrictions reduce the number of cases and the work load on the judges. I submit that that argument is untenable. I am for widening the jurisdiction and not for narrowing the services this court may give to the people of Canada, be they rich or be they poor, or be they in any intermediate circumstances.

In my judgment, this court has a very great role to play in the business activities of our nation, in the lives of our people, in the development of a jurisprudence that applies in all Canada: first, in order that the law may be more just, and secondly that it may be as uniform as possible in all our provinces, which is very important. There are ten provinces in Canada with ten sets of trial courts and ten courts of appeal. Sometimes the judgments of these courts conflict with one another. It is most important that we have a Supreme Court whose judgment is superior to all others, and, in consequence, a uniformity of law results.

The desirability of a uniformity of law is indicated in the British North America Act in which there is a section designed to assist in that regard. In the Department of the Attorney General of the Province of Ontario, over which I have presided, we had a committee which met with committees from other provinces, the object of which was uniformity of law. It is vitally important that the law in all provinces be essentially similar. That is one of the most important services this court may provide.

The Supreme Court of Canada is more distant and removed from the localities where disputes arise and thus more detached from local thought, but above all from local prejudices. It has a real service to perform, even within the narrow jurisdiction we have allowed to it. It has in the past performed a magnificent service.

The jurists who have sat on the Supreme Court of Canada have been really great men. Mr. Justice Lyman Duff, for instance, was a jurist equal to any on the bench in any part of the Commonwealth, including Great Britain. He was followed by Patrick Kerwin, a magnificent judge. The Chief Justice is now Mr. Justice John Cartwright, for whom I have the greatest respect and admiration. We have a splendid court, a well qualified court, a well manned court, and it should be our effort not to restrict its services to the people of Canada but rather to broaden its jurisprudence and influence. If we must limit the number to be served, a distinction between the rich and the poor is the very last expedient we should accept.

As I have already said, the argument as to the convenience of the court is utterly untenable. If the court is overburdened by the number seeking its services, the answer is not to repel the applicants but rather to widen the abilities of the court. If we have not enough judges let us appoint more judges to create more courts. Whatever the requirements may be, we should meet them. In the lower courts, we appoint more judges if more judges are required. In this senior legislative chamber the last item we should reduce is that of the administration of justice.

I am inclined to think that if we have to have consent to appeal, that consent should be required of all people, great or small, and whether there is $10,000 or 10 cents in issue. As long as parties are aggrieved and have just cause of complaint they should be heard. If we have something to give, I repeat, it should be given to every citizen without distinction. I also submit that in this matter we and the people of Canada generally should be proud to give the service. I am proud of this court; that is why I am defending it. I am not, as someone has suggested, attacking this court. I am attacking those who would ruin this court.

There is an old saying among English jurists which came, not from the Proverbs but

from a judgment of long ago: "Let justice be done, though the heavens fall." I stand by that—let justice be done though it costs some money.

There is another clause in this bill, which limits appeals to questions of law. In the past, as you know, we have been able to appeal on questions of fact, or on questions of law and fact which may be mixed. Now it is stated definitely in cold type that the appeals are to be on questions of law only. It is difficult to estimate the effect of such a change.

It is obvious that every question of law in a case must be based upon fact. Why this proposed distinction between law and fact? I suggest it is a pretty poor answer that we would give to a litigant who felt himself aggrieved by some injustice, to tell him that his case has been dismissed because the issue was on fact rather than on law—something which he did not understand and between which most lawyers find it difficult to draw the dividing line. It is another restriction, another road block, which I think is unnecessary and far from salutary.

Honourable senators, there is another objection, my final objection at this moment to this bill. My friend, Senator Phillips, for whose work I have the greatest admiration, tells us in his excellent explanation of this bill, and I think he is right, that if it is passed it will abolish direct applications to the Supreme Court of Canada for a writ of habeas corpus.

I have already said once, and I will say it again, that the *habeas corpus* principle has been in existence in English law for many centuries. You will find it referred to in Magna Carta. It has been treasured hundreds of years by those who have lived under the common law, because of the protection it affords to the liberty of the subject.

So important has it been considered in the past, and in this very chamber, that we have kept it in effect. It is the rule that one may shop about from judge to judge, and that if any judge, no matter what a previous judge may have said, is of opinion that there is doubt as to the imprisonment or detention of an individual by some other person, that judge may issue a writ that requires the jailer, shall I call him, to appear in court and explain his actions and justify the imprisonment. Now, who could argue against that? Notice that expedition is a most necessary feature of this proceeding. So we have retained it after an argument here in this chamber, we have retained up to the present the right of the individual to direct access to the Supreme Court of Canada. There are good reasons why we have done so.

Some person may be imprisoned in one of the provinces in which there is a prejudice against him, or he may feel that the courts or the province are against him, because of local matters. He may have been tried by the newspapers or whatnot, and so we have decreed that he may come to Ottawa to any judge of the highest court in Canada.

Honourable senators, if we pass this bill as it stands, we shall deny him that right. We will make it necessary for him to apply to a court of first instance and, if that judge is against him, to appeal to the court of appeal of the province in which he lives, and if that court is against him he may then come to this court of ours in the nation's capital. While what Shakespeare calls the delays of the law take place, he rots in jail. You may ruin him in the procedure.

At present, if he feels that he cannot get relief in the courts of his province, he can come here to a single judge and ask for a writ that will bring the jailer before the court, and why not, in the most expeditious manner possible? If this bill passes as it stands, he must go through the circumlocution of appeal to the appeal court of his province—and there is no telling how long that may be delayed—and then come here. In the meantime he is wasting in jail.

Honourable senators, this is outrageous. So far there has been no attempt at justification. Are we expected to swallow such a proposal for no good reason but to convenience the court, to lighten its work load? I do not say that the court is initiating the proposal. I am not attacking the court; I am praising the court and I do not want it restricted; but it is the responsibility of whoever has brought this bill before us.

Hon. Mr. Martin: Senator Phillips?

Hon. Mr. Roebuck: No, not Senator Phillips. I would trust my liberties to Senator Phillips.

Hon. Mr. Martin: On behalf of the Government?

Hon. Mr. Roebuck: Never mind the Government; it probably comes from clerks in the Department of Justice.

Hon. Mr. Flynn: You do not think that the Government knows what this bill means?

Hon. Mr. Roebuck: I do not know and I do not care.

Hon. Mr. Flynn: But that is what you said.

Hon. Mr. Roebuck: Did I say that?

Hon. Mr. Flynn: You said that it is the initiative of an officer of the department.

Hon. Mr. Roebuck: It comes to us from the Government.

Hon. Mr. Benidickson: You also sat in Cabinet at one time, and realize that one does not always know what is in the fine print.

Hon. Mr. Flynn: Surely not in a matter of this importance.

Hon. Mr. Roebuck: Honourable senators, I am not interested in whether or not the Government is involved, and members of this chamber should not be interested in that either. We will deal with this bill on its merits irrespective of its origin.

It is our privilege to save this court which, by the way, is under attack. It is our duty not only to save it from attack, which I foresee unless we allow it to perform the services for which it was constituted and which it is our duty to preserve. We should make this court and its potential for public service available to all men, rich or poor, who are suffering injustice or think they are. Above all things, we should bring this court back to the people.

I do not know that I am right in this, but it seems to me that if I move to refer this bill back to the Standing Committee on Banking and Commerce, I will contribute in some measure to further discussion and more mature thought to the consequences of this bill. Therefore, I will move, and it may be that someone will second my motion—

Hon. Mr. Benidickson: I will second it.

Hon. Mr. Roebuck: Thank you. There are perhaps others who would second it as well. I move that this report be not now adopted but that it be referred back to the Standing Committee on Banking and Commerce for further consideration.

Hon. Mr. Phillips (Rigaud): Honourable senators, have I the right to express the view that I have no objection to that motion?

The Hon. the Speaker: Honourable senators, let me first put the motion.

It is moved by the honourable Senator Roebuck, seconded by the honourable Senator Benidickson, that this report be not now adopted but that it be referred back to the Standing Committee on Banking and Commerce for further consideration. Is it your pleasure, honourable senators, to adopt the motion? Honourable Senator Phillips.

Hon. Mr. Phillips (Rigaud): Honourable senators, quite obviously I am prepared to reply to the motion put forward by our highly respected colleague Senator Roebuck, but having regard to his desires, I have no objection that it be so referred.

Hon. Mr. Martin: Honourable senators, may I just say that there is no objection on the part of the Government to this further study suggested by Senator Roebuck. Would it be within our rules, however, for the senator in charge of the bill at the moment to make a reply which, then being on the record, would be available to the committee? If so, I think it is desirable that Senator Phillips make some response now, it being understood that the bill will go back to the committee for further discussion.

Hon. Mr. Flynn: It is a debatable motion. He can certainly speak on it.

The Hon. the Speaker: Order, please. After I put the motion I asked whether it was the pleasure of honourable senators to adopt it. I then paused, and I noticed that the honourable Senator Phillips was rising in his seat. Of course this is a debatable motion, and I was under the impression that the honourable Senator Phillips would reply to it.

Hon. Mr. Roebuck: Your Honour, I am very anxious to hear what Senator Phillips will say, but I think he should close the debate rather than speak now. I would like very much indeed to hear from other senators as well. There are some senators who wish to speak, I am sure. Mine is not the last word in this chamber. I would invite as many as possible to join in this debate, and, if I may be bold enough to express these thoughts, I would like then to hear from Senator Phillips.

Hon. Mr. Martin: I think that is the right course.

Hon. Mr. Flynn: He does not close the debate. The motion has not been made by Senator Phillips; therefore, his speaking now would not prevent other members from speaking. I think it is very timely for Senator Phillips to reply at this time, and, if others want to speak after, there is no objection to that.

The Hon. the Speaker: May I remark that we are not on second reading at this stage. The fact that the honourable Senator Phillips will reply now will not have the effect of closing the debate.

Hon. Mr. Martin: It may not have that effect, but because of my lack of familiarity with our full procedures, I am not clear whether it might preclude him from replying to other senators who wish to make a contribution. I believe it will. If so, he should wait.

Hon. Mr. Flynn: He is not the only one who can reply.

Hon. Mr. Martin: But it is right that he, as the sponsor of the bill, should make the reply. My suggestion would be that, if there are any senators who wish to speak at this time, it might be better that they precede Senator Phillips so that he can make the final response before we decide to send the bill back to the committee.

Hon. Mr. Hollett: Hear, hear.

Hon. Mr. Benidickson: Honourable senators, we have a motion in amendment before us, not a motion for second or third reading of the bill. We have a motion presented by Senator Roebuck to refer this matter back to a committee and, as Your Honour has said, this motion is debatable. It has nothing to do with the privilege of Senator Phillips to conclude the debate on third reading.

Hon. Mr. Flynn: Later on.

Hon. Mr. Martin: That is clear.

The Hon. the Speaker: Senator Prowse, do you have something to add?

Hon. Mr. Prowse: With all respect, honourable senators, what we have before the house at the present time is a motion to adopt a report. We also have from the honourable Senator Roebuck a motion by way of an amendment which, in effect, is a substitute motion to refer the report back to committee. It is an amendment to the motion before the house.

If my interpretation is correct, and I believe it is, Senator Phillips has the right to speak at any time during the debate on the motion made by Senator Roebuck, and, at the conclusion of that, should that motion pass and should he not have spoken, he then will lose the right to speak. But, if the motion does not pass, then he has the right to close the debate on the original motion to adopt the report. Therefore, Senator Phillips is in the position where, if he speaks now, he may speak again if he is successful in having Senator Roebuck's motion defeated. If, however, Senator Roebuck's motion is passed and Senator Phillips has not spoken before that vote, there will be no opportunity for him to speak. So Senator Phillips is the man who is on the spot and must make a decision before the rest of us go on. Personally, I am prepared to speak on this subject.

The Hon. the Speaker: Before I give the floor to the honourable Senator Phillips, may I remind honourable senators of a rule which has been followed here from time immemorial.

Honourable senators are the masters of their own rules and I gather from what I have heard so far that the wish of all honourable senators is to give to all who intend to express their views a chance to do so. However, we will proceed and we will see what develops. I do again remind you that honourable senators are masters of their own rules.

Hon. Mr. Phillips (Rigaud): Honourable senators—

Hon. Mr. Martin: I appreciate what His Honour the Speaker has said, but I am wondering whether it would be desirable for Senator Phillips (Rigaud) to withhold his comments now.

Hon. Mr. Flynn: Oh, no.

Hon. Mr. Martin: Senator Prowse wishes to speak.

Hon. Mr. Flynn: He said he wanted to listen.

Hon. Mr. Martin: I thought that Senator Prowse said he wished to speak. Why should other senators not be allowed to speak now? If they do so, then Senator Phillips (Rigaud) will be able to deal with all the replies. It seems to me that this would be a more orderly way of proceeding.

Hon. Mr. Flynn: Is he considered a spokesman for the Government in this instance?

Hon. Mr. Martin: He is carrying this bill for the Government.

Hon. Mr. Flynn: I realize that, but as far as the argument put by Senator Roebuck is concerned, he is not the only one who can reply. The leader may also reply.

Hon. Mr. Martin: The leader may speak, but in this instance I have asked Senator Phillips to take the bill, and I have followed it with close interest. I am suggesting the most orderly way to proceed would be to let honourable senators who wish to follow Senator Roebuck, speak and present their views. I am sure this is the way it should be done.

Hon. Mr. Roebuck: Let us hear Senator Prowse.

Hon. J. Harper Prowse: Honourable senators, I would have been quite happy to have permitted honourable Senator Phillips (Rigaud) the privilege of offering his rebuttal, as I would have had the opportunity of taking it to pieces, without his being able to take mine apart. However, in the interests of an orderly house and the welfare of the people of Canada, this procedure, whereby he will be permitted to hear all arguments against the bill, and then to allow a summing up by the sponsor before the house is asked to reach its decision, will perhaps enable us to arrive at the most rational conclusion.

As I understand it, these amendments which were brought in do in effect whittle down the limits or the jurisdiction of the Supreme Court of Canada, and they are being introduced merely because at the present time the court has become so overloaded and overworked that it is taking longer to get out its judgments than is generally considered desirable in the interests of orderly dispensation of justice.

This is not, as has been pointed out, a criticism of the court, but rather a circumstance that arises out of the heavy load of work the court has to carry. But when we are faced with a simple solution to such a serious problem as is represented by this bill, then it seems to me that somebody has lost sight of the function of the Supreme Court of Canada. Like Senator Roebuck, I do not care who that person is—I think they should be asked to look at what they are doing.

I had the privilege the other afternoon, as many of you had, of hearing Senator Walker speak about the many duties that fall upon the Supreme Court. Every lawyer in the country is familiar with the fact that at least half of the reports of the Supreme Court that come out at regular intervals are devoted to Exchequer Court appeals. Most of them in fact deal with revenue cases, and the rest deal with decisions by other government boards.

Now, it may be necessary that there should be provision for some kind of appeal from the Exchequer Court, but these cases all deal with technical and specialized sections of the law which are of more interest, usually, to large business corporations than to individuals. It is a very lucrative kind of law practice to get into, and very important to the country, because it affects its revenue and the operations of the departments of government with private industry, which provides so much of the wealth on which the country depends. But if it is the load of work that they are getting by way of appeals from the Exchequer Court or the Tax Appeal Board, or whatever they may be, that is burdening the court to the extent that it cannot perform its primary function, then we say the answer is to set up another court to deal with that type of appeal.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Prowse: It seems to me that very often the judges we are going to bring in from parts of the country other than Ottawa and its near vicinity to sit in the Supreme Court of Canada generally may not, because of their remoteness from this part of the country, have had experience in those particular areas. But the first function of this court, so far as Parliament and the people of Canada are concerned, is that it should ensure not only that justice should be available and should be done for every Canadian who finds himself in need of justice, but that it should also appear to be done. And the fact that a right of appeal is there, whether it be used or not, is an essential part of that function which is ensuring that justice should appear to be done because then if the person concerned does not like what has happened in a lower court, he has the right to go elsewhere. But when we do as we are doing here, putting in a dollar value, we are saying in effect, "Unless the thing you are arguing about is worth $10,000, the court cannot waste its time on you."

Honourable senators, some of the finest decisions to be found in the reports of the House of Lords and the Privy Council were concerned with matters of a shilling or sixpence. They were concerned with matters where the people went there as paupers because the courts felt that their services should be available to them.

Let me add this, honourable senators. Today we hear in this chamber and elsewhere in the country expression of concern about the future of this particular body. This is

supposed to be the body of sober second thought. But let us not deceive ourselves because we happen to be dealing with initiating legislation that we no longer have responsibility to be looking at it as though we were giving it sober second thought. Therefore, I predict, and I have no fear about the outcome of my prediction, that if this bill goes as it is to the other place, it will come back to us amended in exactly the way the honourable Senator Roebuck has suggested it should be changed. Rather than increasing the limit from $2,000 to $10,000, we would be better serving the interests of justice in Canada, we would be doing more for the reputation of our love for justice, and we would be doing more to support and enshrine the reputation of our courts if we were to reduce the $10,000 to $2,000 where it appears, or even take it out altogether.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Prowse: Personally, I would take it out altogether. I would accept quickly the suggestion made by our honourable colleague, who has had experience not only as a lawyer and legislator but as an attorney general of a province, that perhaps it should be by leave. When you say $10,000, all right—to the big corporation lawyer that is not important. He will say, "What is the Supreme Court being bothered for, and why should I have to wait a week to get on because they have a list of murder appeals; everybody knows this is a formality before you get around to putting the guy away for the rest of his life." We have all heard this type of comment from counsel who do not take that kind of case. Well, honourable senators, I have had that kind of case, but not very many of the other kind. How can we give way to the idea that a case involving any sum of money could be as important as a case involving a man's life?

Some of these amendments may not deal with criminal appeal sections, but they do deal with sections which involve matters of principle. In *per saltum* appeals, all lawyers know and are decided that certain points will have to be determined. Before they start in a court of law at all, they can agree that there are certain grey areas that are only going to be determined and in the end no one will be happy unless they can be determined by the Supreme Court of Canada. We have the situation where the courts in one province have said one thing in a particular set of circumstances, while the courts of another province have said something esle, and in most cases courts are governed by the precedents set in their own provinces. But if it should happen that the amount involved is less than $10,000, they cannot go to the Supreme Court of Canada.

Let me tell you about a piece of legislation we had in Alberta a number of years ago for the protection of home owners and farming people. It used to be a great game with some people to overprice their land and sell it, and when the man who bought it could not pay for it, to take back the land from him and sell it again. But the government of the day took action and put a section in the Judicature Act which said that anybody who sold land was limited, if the person buying the land could not pay, to a return of the land. That is if you sold a farm or a house and the person to whom you sold it could not pay, you could get the land back but you could not keep the money you had already received and keep the land as well. Furthermore if you took the land back and then sold it again and got more for it than was owing to you, the difference had to go to the original purchaser. That was a good law.

But then some bright person got the idea that he would ask the people to waive this legislation, and for years people in certain places in Alberta were signing waivers of this legislation.

Now without wishing to bore people who are lawyers, and indeed those who are not, with a dissertation on the law of waiver, I simply say that it was generally believed that this waiver was not worth the paper it was written on, but if it made some mortgage corporation lawyer sitting in Toronto happy to think he had a waiver, that was fine. But as far as we were concerned, nobody in Alberta took it seriously.

Then, honourable senators, there was a case involving a business deal worth half a million dollars, and there was a waiver involved. As I say, nobody had paid any attention to those waivers for 20 years because it was felt that they were void, being contrary to public policy. This case went through to the Supreme Court of Canada, and that court agreed with the courts of Alberta, that this particular waiver was effective because the general principle was never intended to apply to businessmen. The result was that a lot of people who had signed waivers, being satisfied they did not mean anything, are now not at all sure where they stand. Had the validity of that waiver been tested on a $1,500 shack, I have not the

slightest doubt that the decision of the court would have been different.

Now, I think that the decision in the two cases would be distinguishable, but at the same time we had a good law perverted because a lot of money was involved, and it was a law which applied without distinction to the smallest and to the largest.

To complete the story, it has since been changed in Alberta to apply to the little man, as was the original intention. However, I am sure that the answer we got from the court was different. That is why I say that when you are going to limit your legal rights to only those cases in which there are large sums of money at stake, you seriously risk the probability that those decisions will not be the kind of decisions that would ordinarily be applied to and acceptable in dealings between the little people—of whom God made so many, because he obviously loved them so much.

I do not want to weary you with a dissertation; I do not want to make any pretense of being greatly learned in the law; but I say that we have a responsibility to this country, a responsibility to the court, to the people of Canada, to justice and to ourselves. We will serve none of those responsibilities well if we pass this legislation; but we may serve them well if we take another look at it and fix it up.

Hon. Lionel Choquette: Honourable senators, my leader (Hon. Mr. Flynn) has asked me to make the suggestion that, in all fairness to Senator Hayden—the Chairman of the Standing Committee on Banking and Commerce, who was unable to be present today to ask that the report be adopted—it is vitally important for us to hear what he wants to say on this matter.

At this stage I would like to adjourn the debate. My leader had to absent himself from the chamber and he has asked me to do so. He wishes to speak on the matter too.

On motion of Hon. Mr. Choquette, for Hon. Mr. Flynn, debate adjourned.

Hon. Mr. Martin: Senator Phillips is ready to proceed. His speaking now would not have precluded Senator Hayden from speaking to the matter. However, in the circumstances, and in view of the wishes of the Leader of the Opposition—

Hon. Mr. Aseltine: This motion stands in Senator Hayden's name, does it not? If so, he would be the one who would have the right of reply.

Hon. Mr. Martin: But Senator Phillips (Rigaud) moved the adoption of the report, for Senator Hayden, the Chairman of the committee.

The Hon. the Speaker: Order! As I anticipate, we are about to adjourn, and perhaps I might try to clarify the situation.

We entertained a motion to adopt the report of the committee. Then, a motion was put by the honourable Senator Roebuck in amendment to the main motion. We are now discussing Senator Roebuck's motion in amendment. Therefore, under Rule 36 only Senator Roebuck would not have the right to reply on the amendment he has moved to the motion.

So that there will be no misunderstanding, I shall read Rule 36:

> A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment...

Therefore, I think the matter is clear. All honourable senators, including Senator Hayden, of course, will have the right to speak on this matter.

Hon. Mr. Martin: Certainly.

The Hon. the Speaker: And should it develop that the honourable Senator Roebuck would like to reply, then, of course, I shall ask leave of honourable senators to permit him to do so. I see no difficulty arising when we resume the debate on this motion next week.

The Senate adjourned until Tuesday, October 15, at 3 p.m.

THE SENATE

Tuesday, October 15, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin: Honourable senators, in answer to a question asked by Senator White, I now table a copy of the report of the Board of Inquiry into the accident at CFB Petawawa. I also table certain other documents of the Government of Canada, the details of which will appear in the record.

(The following documents were tabled).

Copy of report of the board of inquiry into the accident at CFB Petawawa on May 8, 1968, which resulted in the deaths of seven parachutists. (English text).

Statement made by the Secretary of State for External Affairs to the General Assembly of the United Nations at New York, Wednesday, October 9, 1968. (English and French texts).

Report on the Operations of the Exchange Fund Account for the year ended December 31, 1967, together with the Financial Statement for the said year certified by the Auditor General, pursuant to section 26 of the Currency, Mint and Exchange Fund Act, chapter 315, R.S.C., 1952. (English and French texts).

Report of the Director of Investigation and Research, Combines Investigation Act, for the fiscal year ended March 31, 1968, pursuant to section 44 of the said Act, chapter 314, R.S.C., 1952. (English and French texts).

OMBUDSMAN COMMITTEE

MOTION FOR APPOINTMENT OF COMMITTEE—DEBATE ADJOURNED

Hon. David A. Croll moved, pursuant to notice:

That the Senate considers it desirable to establish at an early date a committee of the Senate, to be known as the "Ombudsman Committee", to inquire into and report to the Senate on any matter or thing within the jurisdiction of Parliament relevant to the protection of human rights and fundamental freedoms, and the prevention of unjust or arbitrary conduct, and in particular to investigate and report upon any grievance complained of as a result of administrative action for which no other remedy is available.

He said: Honourable senators, the sole purpose of this motion, which was first introduced at the last session of the previous Parliament, is to seek your approval of the establishment of a committee of this house which would serve, in effect, as a collective ombudsman to investigate, rectify where possible, and report upon when necessary, any grievance complained of by a Canadian citizen, and allegedly arising from maladministration, error, or carelessness on the part of any department, agency, or service of the federal Government below the ministerial level.

The purpose of this committee will be to reaffirm the citizen's ancient right of protest. The public servant's interpretation of the intent and spirit of laws passed by Parliament, and his application of such laws, may be examined by this committee, acting as the champion of the citizen.

The citizen's right to protest the administrator's decision and discretion in applying the law to him, and the citizen's remedy to have an official champion who is protected against reprisals to investigate that protest, is as old as society itself. In the Greek constitution the *Thesmothetae* was charged with investigating complaints against the conduct of the administration. In the Roman constitution the *Tribuni Plebis* was essentially the representative of the plebians who afforded protection against abusers, usurpers and the ambitions of the patrician administrators. Under British law the citizen had direct access to Parliament by petition of Parliament.

In Canada the member of Parliament has occasionally used the private member's public bill, which is a reversion to the old form of petition, but the opportunity to debate the citizen's grievances is rare and passage of the bill is scarcely likely to be obtained. It relies mostly on publicity.

Those of you who have followed the proceedings in the other house will realize that they have set up a special proceeding for grievances under the Proceedings of Adjournment Motion. On looking at the end of *Hansard* for instance, of Thursday of last week, it will be found that they discussed agriculture, the biological effects on chickens of microwave tower radiation; communications, co-operation with France in space and satellite research; on Tuesday they dealt with Corporations and Labour Unions Returns Act,

and also with fisheries. These matters are dealt with in very short order, but an opportunity is there given for the purpose of presenting a grievance.

I am not speaking of people outside of Parliament. The individual members are increasingly threatened by the power that Parliament confers on public servants to determine his rights and obligations, often without appeal to the law courts. The rights of parliament fade as the powers of politically responsible ministers are in fact exercised by politically irresponsible public servants. The modern public servant is often in a position to make the law, apply it, and give final judgment with respect to the rights of individuals and groups affected by that law.

The need for some sort of instrumentality in the nature of an ombudsman, which would be constantly available for investigation of grievances suffered by ordinary citizens at the hands of officialdom, was recognized long ago in the Scandinavian countries. Its origin in the modern sense is to be found in the establishment under the Swedish constitution in 1809 of the post of ombudsman, to ensure on behalf of the Swedish Parliament that Swedish laws were adhered to by the administrative and in fact by the judicial authorities of that country.

The Swedish word "ombud" refers to a person who acts as spokesman or as the representative of another person. The ombudsman is, therefore, a representative of the ordinary citizen, vis-à-vis the officials.

The Swedish ombudsman is not a judge and has no power to change administrative or judicial decisions, but it has been found in Sweden and in other countries that a public rebuke or criticism, or even the ability to administer one, is sufficient in most cases to rectify any wrong which is at once recognizable and reparable.

Following the Swedish example, the institution of parliamentary ombudsman was established in the Finnish constitution of 1919. At first, it proved to be of little practical importance in that country and its abolition was contemplated in 1932. Since that time, however, its importance has constantly increased. The institution was in fact so successful both in Sweden and in Finland that neighbouring Denmark adopted it in 1955, and it spread to Norway in 1962.

Honourable senators, the institution was first adopted by a commonwealth country in the common law tradition in New Zealand in 1962. No common law jurisdiction appears ever to have considered the adoption of any system of administrative courts, such as there are in the French *conseils d'État*, designed to supervise the administration. These have been regarded as an alien instituton incapable of being transported into or superimposed on those of Anglo-Saxon origin.

It is not surprising, at least to begin with, that the Scandinavian institution of ombudsman was also looked upon by common law lawyers in a somewhat blasé fashion. The breakthrough appears to have come about through the proselytizing zeal of the Danish ombudsman, Professor Stephan Hurwitz, whose appearances on TV and on radio in Great Britain and whose paper on the subject at the United Nations seminar in Kandy, Ceylon in 1959 stimulated the interest of New Zealand in the institution and led ultimately to their establishment of an ombudsman in 1962.

Hon. Mr. Martin: What was that seminar on?

Hon. Mr. Croll: I do not know. I have not the particulars with me, but I seem to recall from my reading that it was on human rights.

I hope it will not be necessary for me to retrace all the early ground or rethresh old straw in order to demonstrate that the establishment of an ombudsman could not be incompatible with the British system of government. The experience of New Zealand has shown that this is simply not so; the institution has become quite acceptable.

I do not think I need to remind honourable senators that the House of Commons Standing Committee on Privileges and Elections dealt with this subject when it met in 1964 and 1965 to consider a private members bill sponsored by Mr. R. K. Thompson, a member of Parliament. By the way, Mr. Thompson is sponsoring Bill C-57, now before the House of Commons. It is written in the same language and in the same form. He is hopeful and so am I. The recommendations of that committee are set out in the *Minutes* of March 1, 1965:

> After due consideration the Committee recommends that the Government consider the establishment of an office, like that of an ombudsman, for the purpose of investigating and reporting on administrative acts of the Government of Canada complained of by members of the public.
>
> The Committee recommends also that the Government of Canada should take

an early opportunity to urge the establishment of a similar institution by each of the provinces, for scrutinizing in the same way administrative action under provincial jurisdiction.

I commend to all honourable senators the evidence given before the committee by Sir Guy Powles, the New Zealand ombudsman. In order to have a proper understanding of the New Zealand experience, which has been a very happy one, it is necessary to read what he said. May I quote a few pertinent paragraphs from Sir Guy's testimony, which should serve to remove any remaining doubts as to the utility and suitability of such an institution. The evidence appears in the Minutes of the Standing Committee on Privileges and Elections, No. 6, at pages 360 and 361.

In accordance with His Honour the Speaker's suggestion in such instances, I have sent to him a copy of what I propose to read. I would now ask the indulgence of the house to permit me to incorporate as part of my speech certain quotations, which I shall not take the time of the house to read. May I have your indulgence for that purpose?

The Hon. the Speaker: Would the honourable senator allow me to say a word at this time? I wish to thank him first of all for having sent to me copies of the document to which he has referred. In turn, I have forwarded copies to the Leader of the Government in the Senate and to the Leader of the Opposition so that they would be in a position to make whatever comments they choose before reaching a decision.

May I say that *Hansard* must reflect as a rule or in principle the verbatim report of what has taken place in this chamber. Having said that, I would suggest to Senator Croll that both leaders may wish to make some comment on the matter.

Hon. Mr. Croll: I am in good voice and can read them all, but this would seem to be a better way of handling it. It is exactly as it appears in the Minutes.

Hon. Mr. Martin: Honourable senators, this situation arose the other day under different circumstances. There was then some concern about the procedure. I have since had an opportunity to look at the rules, and there is no doubt as to the procedure. However, in view of the recent incident and the fact that a committee of the Senate is now considering our rules, I for one would be prepared to allow Senator Croll to proceed as he suggests, it being clearly understood that this is not a precedent.

Hon. Mr. Flynn: Honourable senators, as the Leader of the Government said, this is not exactly the same as the case we had the other day. At times you may wish to have a document printed as an appendix to *Hansard*, in support of the argument you submit. But this is actually part of the speech by honourable Senator Croll. That is why this precedent is more dangerous than the one to which we alluded, involving the printing of an article, as was requested by Senator Cameron. On the other hand, I agree with the Leader of the Government that we are now considering a review of our rules and, as long as the requested leave is not used as a precedent for an argument to change the rules in the future, I have no objection. I gather that the purpose of Senator Croll's suggestion is to save time, under the circumstances, but it is with some reluctance that I give consent and I do not accept that I should be reminded I have done so.

The Hon. the Speaker: Honourable senators, is there unanimous consent with respect to the request by Senator Croll?

Some Hon. Senators: Agreed.

(*Extract from report of committee follows:*)

"**Mr. Fisher:** Before you were appointed and since, what has been the attitude of the members of parliament toward the proposition, for example, that has been put forward in Britain that this would interfere with one of the most important functions of a member of parliament?

Sir Guy Powles: I do not think it is looked at in that light in New Zealand. I think we all recognize that the contact between a member of parliament and his constituents is a very important thing and that we should do nothing that would interfere with it in any way. I would regard my office as being an extension of the functions of, and of assistance to, members of parliament. In effect, I am a tool available to a member of parliament to be used if he wants to use it.

Mr. Fisher: In the preliminaries that led to the creation of your office, was there any strong expression of opinion that the office would impinge upon a member of parliament's proper function?

Sir Guy Powles: I think it was mentioned in the debates in the house by one member, possibly by two. However, the

counter arguments put up by other members in the house seemed to prevail, and since the establishment of the Act, I personally do not sense any feeling that members think I am depriving them of any of their rightful privileges.

Mr. Fisher: What about the question upon which you touched before with regard to ministerial responsibility and its effects upon that? That is an argument that was put to me by federal lawyers here when I was in discussion with them about this. They felt there was a very substantial likelihood that such an office at work in Canada could very well interfere between the senior civil servant and his feeling that the minister is responsible for him and that he is responsible to the minister.

Sir Guy Powles: I would not know whether that would be likely to happen in Canada, but I have not seen any evidence of its happening in New Zealand. I do not see that it works in that way; it does not interfere with those relationships.

Mr. Fisher: What about the tendency toward ministerial sensitivity any time anything is discovered—in this country anyway, I would say—to the effect that when the administration is looked upon unfairly or badly it tends to be a blot upon the reputation of the government itself?

What I would like to know in connection with this is what kind of publicity develops from the cases you handle and how the interventions you make are kept from assuming a derogatory character in so far as the government is concerned.

Sir Guy Powles: I publish a report and I lay it on the table of the house every year. There are substantial case notes in that report referring to all cases. As a matter of fact, I have a few copies here and I would be delighted to let you have one. I do not think it has that particular effect on the minister's feeling with reference to his department.

Generally speaking, the minister's attitude is rather like that of the attitude of the departmental head, and he is quite glad to have something pointed out to him that has gone wrong in his department so that he can fix it up. He likes to know about these things. The worst thing that can happen to a departmental head, and I assume to a minister too, is to have maladministration in his department and not know about it.

Mr. Macdonald: Would it be correct to say that rather than relieving the minister of any responsibility, this is really a further fact-finding arm that is more than ever bringing home to him that there has been this maladministration?

Sir Guy Powles: I think so, yes, and ministers have asked me to assist them in certain respects in one or two cases, which I have done.

Mr. Fisher: Have you had any cases which have involved not an administrative but a real policy problem, cases in which your investigation and report calls something into question? It is hard to think of a general example of the type of thing of which I am thinking but I can think of a couple of examples in the Canadian context. I am wondering if you have had sufficient experience as yet to be able to say that some of the recommendations which you make might even fit a pattern that would lead to fairly substantial legislative changes or amendments.

Sir Guy Powles: I think that could possibly happen. Of course, this difficult distinction between policy and administration is one which sometimes, I am inclined to feel, does not really exist. I am empowered to examine matters of administration; it does not say that I cannot examine matters of policy. There is an element of administration presently in a very large number of cases. It is very seldom that one gets a case which is completely pure policy, and of course if it was completely pure policy I could not do it. That is one of the most difficult areas of decision that I have to make."

Hon. Mr. Croll: I wish to thank the honourable Leader of the Government and the honourable Leader of the Opposition for their indulgence, but I can reassure them that I could tire listening to my own voice.

Subsequent to the report of the committee, the following statement appeared as an item in the Speech from the Throne on April 5th, 1965.

> My government will appoint a royal commission to study the status, form and procedures of adjudicative and regulatory bodies and to investigate the desirability of instituting a parliamentary commissioner or Ombudsman for Canada.

I have no way of knowing why this has not been followed up; however, I have in my portfolio an impressive list of legislative precedents and common law jurisdictions following on the New Zealand precedent, although I cannot guarantee that it is fully up to date. My list is as follows:

1. Statutes of the Parliament of New Zealand, 1962, No. 10: section 2 of which reads as follows:

'2. (1) There shall be appointed, as an officer of Parliament, a Commissioner for Investigations to be called the Ombudsman.'

2. Statutes of Alberta, 1967, Bill 7 (now in force) Section 3 of which reads:

'3. (1) There shall be appointed, as an officer of the Legislature, a commissioner for investigations to be called the Ombudsman.'

3. A White Paper presented to the Legislature of Manitoba by the Hon. Stuart McLean, Provincial Secretary, in December, 1966, which envisages the establishment within a "Citizen's Remedies Code" a "Legislative Commissioner for administration" with powers and duties similar to those of an ombudsman.

4. The Ombudsman Act, chapter 18 of the Statutes of New Brunswick, 1967.

5. Bill 13, read first time in 1968 in the Legislative Assembly of Quebec, providing for the appointment of a Public Protector with powers and duties similar to those of an ombudsman.

This was presented by the Government.

Hon. Mr. Flynn: It is passed now.

Hon. Mr. Croll: The list continues:

6. The Parliamentary Commissioner Act, 1967, chapter 13 of the United Kingdom Statutes of that year.

In what follows I shall assume that the major battle has been won and that there is now general agreement to the effect that there exists a real need for an institution in the nature of an ombudsman at the federal level in this country, that existing remedies and procedures at law are inadequate to protect fully the average citizen in his contact with officials, and that the existence of an orderly, simple and inexpensive machinery whereby the citizen may have his complaint impartially processed would have the same beneficial effects in Canada that it has elsewhere.

Professor Donald C. Rowatt, who is Chairman of the Department of Political Science at Carleton University, and author of *The Ombudsman: Citizen's Defender* is, I think, one of the best authorities on the subject that I have yet come across. He says we do not have to look far to find out why there is a greater interest in the ombudsman style of institution. We need a protection against administrative arbitrariness in government at all levels. He points out that the courts, the protector of individual rights in the past, cannot properly right the wrongs of administrative action; they move too slowly, they are too costly, and in this century there has been a tremendous growth in the range and complexity of government activities. This has brought about the need to grant the executive side of government increasing power of discretion.

In the case of Ottawa alone, there are decisions affecting citizens being made by 21 government departments and more than 40 crown corporations, as well as a number of commissions, boards and councils. With all the caretaking to protect the individual, there will invariably be some decisions that are or appear to be unjust.

We need some review tribunal to permit Canadians to seek redress from bureaucratic injustices. There is a distrust of bureaucratic maze. To err is human but it is also inhuman to become indifferent and reach a conviction that years of experience have molded perfection. The ombudsman is far faster, less costly, more likely to bring about corrective legislation.

May I now ask that the statement made by Dr. Donald C. Rowatt at page 474 of the committee report be incorporated in this record and form part of my remarks.

The Hon. the Speaker: Honourable senators, is it agreed?

Hon. Senators: Agreed.

(*Extract from report of Committee follows:*)

I think there is a stronger case for a scheme of this nature in Canada than in some of the other democracies of the world, because we have not done quite so much in the way of providing remedies for a citizen against administrative action.

The basic reason why the scheme has become of great interest is that there has been a tremendous growth in the administrative side of the government, in the functions and activities, and in the discretionary powers granted to officials,

while the existing remedies—in case there is an arbitrary, unfair, or unjust decision made against an individual by an officer of administration—are inadequate.

I think it would be worth reviewing this very briefly. First, in Canada you find that administrative procedure has not been laid down in many cases for departments or agencies of government to use in dealing with individual cases. On the other hand, the United States has an administrative procedures act which was passed in 1946. It has been proposed in this country by the bar association, but not adopted in any jurisdiction. Both the U.S. and Great Britain have had elaborate investigations of the problem by official bodies, and Britain has set up a council on administrative tribunals with functions somewhat paralleling those of an ombudsman; but in this country we have done very little about studying the problem.

My second point is that the appeals available to a citizen in a case where he believes that an arbitrary decision has been made, or that he has a grievance against administrative action, are very limited. We have set up in this country a number of specialized appeal bodies such as the income tax appeal board, the appeal in connection with immigration, and so on, but there is no comprehensive system of administrative appeal as in many countries of western Europe, where there is a complete and comprehensive system of administrative courts. The council of state in France is perhaps the best known and the most comprehensive of the administrative courts in western Europe. Similarly, there is an administrative court system in Western Germany, which has existed in Germany for many years; its jurisdiction was extended by the constitution of the new Western Germany.

Coming to the English-speaking world, perhaps we are not any worse off than the other English-speaking countries which have not provided for a comprehensive system of appeal against administrative decisions, but we certainly do not have a very elaborate system in this country.

My third point is that the opportunity for reviewing administrative decisions by the courts is seriously limited here as elsewhere in the English-speaking world. You are all familiar with the fact that many pieces of legislation include a privative clause stating that there shall be no appeal to the courts, particularly regarding decisions made by certain types of boards or commissions. But even where there is an opportunity for appeal, the way in which the appeal may get before the courts is very complicated. This is done by ancient writs, and often it takes a very skilled lawyer to know which kind of writ should be used; if he makes a mistake, the case may fail. So it is a complicated business getting an appeal before the courts.

Another factor is that the courts operate rather slowly; and it is likely to be very costly in relation to the importance of the issue or the money involved, and a citizen would hesitate, especially in minor cases, to appeal his case to the courts.

Another limitation is that the courts usually have taken the view that they will make a decision on the law only, and an appeal on the merits of the case cannot be brought before the courts. Where there is a discretion, the court feels that it should not substitute its judgment for that of the competent administrator who is an expert in his field.

My fourth point is one with which you are all familiar: parliament itself is the traditional vehicle before which to bring complaints and grievances about the actions of administrators and the executive, yet parliament is seriously limited in what it can do. Members of parliament may find themselves very heavily loaded with cases brought before them by their constituents. I think that perhaps members of this committee would agree that they have plenty of work to do in their various capacities. If the number of complaints should become overwhelming, it tends to take their time away from other important functions of the legislator, such as consideration of policy and legislation, and keeping up with events that would be necessary as background for dealing with important proposals laid before parliament.

Hon. Mr. Croll: Administrative difficulties are in fact steadily mounting. We have seen over the years the growth of increasingly extensive, numerous, complex and sophisticated relationships between the official and the citizen. It has been said, "You can't lick

city hall." It has been equally difficult for the citizen to contend with the colossus, the monolith, the civil service establishment—whatever you may call it. As we all know, the individual parliamentarian can do so much and no more. Certainly he cannot spend all his time acting as an ombudsman for his constituents without being derelict in his other parliamentary duties. Ministers of the Crown, too, have other and paramount functions without dealing exclusively with a myriad of individual administrative complaints. In my view the minister, the parliamentarian and the individual citizen alike should welcome the introduction of the ombudsman principle.

Now, what is the position of the Senate in relation to this real and present need? In my view the establishment of an Ombudsman Committee of the Senate would serve the purpose admirably. The resolution was framed in its present form deliberately so that only the principle of the proposal would be under debate. If and when a committee were to be actually appointed, its terms of reference would have to be somewhat more specific, although I personally would hope that they would be as broad as possible, leaving it to the good judgment of the committee, in the light of the numerous legislative precedents now existing, and in the light of its own experience, to work out its own policies, processes and procedures, at least in the initial stages.

My own thought would be that to begin with it ought to be set up as a special committee. It would thus be in the beginning experimental in nature. If it proved to be successful, and I think it will be, and no legislation creating an ombudsman is enacted, consideration could later be given to the establishment of a standing committee on a permanent basis with permanent personnel, functioning much as the Divorce Commissioner is now functioning.

The Senate is very fortunate to have built-in and ready-made procedures whereby a committee might be set up to exercise all the functions of an ombudsman, entirely in accordance with the British tradition. It would have full power to investigate and interrogate officials and to report to the Senate when necessary from time to time. Such a committee would have at least the prestige of, and perhaps greater prestige, than, a parliamentary ombudsman acting under statute.

The Senate committees have been the centre of its greatest activity and the source from which its greatest contributions have come. The relations of the Senate committees with deputy ministers and other officials have always been both close and cordial, and there is no reason why this should change. My own belief is that most of the injustices uncovered by an Ombudsman Committee of the Senate would be rectified without the necessity of a publicized report. Certainly this has been the experience of the Scandinavian countries and New Zealand.

No doubt the establishment of such a committee would entail a lot of hard, responsible work on the part of its chairman, the committee members and its staff. But senators have been demanding, almost pleading for, more useful work to do. And recent events have in fact resulted in an attrition of the Senate's functions. The passage of the new Divorce Act will mean the phasing out of the work of the Divorce Committee, after a hundred years of faithful service to the country. Passage of recent amendments to the Canada Corporations Act has practically put the Committee on Miscellaneous Private Bills out of business. It is true that new and important committees have been established or are contemplated, such as the Science Policy Committee, but there is need for even greater activity. The establishment of an Ombudsman Committee would add a new dimension to the functions of the Senate and would vastly improve its image. It would thereby become a "public protector" in the real sense of the term, and thus make a significant contribution to what has been referred to as "the just society".

May I invoke at this time perhaps the most famous passage in Magna Carta:

> To none will we sell, to none will we deny, to none will we delay right and justice.

Honourable senators, there is just one further context in which I wish to discuss this matter briefly. We hear much these days of the "right of dissent" and of "the violent society". Canada has been largely free of the troubles which have beset our neighbours; but we have felt the breeze and can heed its warning. We read in the newspapers today of student revolt taking place here and there. A very useful advertisement appeared in the *Globe and Mail* today, and I suppose in other papers in Ontario, entitled: "A letter of concern regarding The Secondary Schools of Ontario". I am not going to read it, but it speaks of the responsibility of students, teachers, and of the public. It rather infers that students are not sent to school these days

to learn how to sit in or how to protest or how to take over. It was not part of the syllabus in my days at school.

Even in this country, which traditionally is law-abiding, if dissent is not to burst into violence there is a need for more adequate safety valves, for proper channels into which legitimate grievances may be directed. We have not enough of these channels in this country, and I think the establishment by the Senate of an Ombudsman Committee at the federal level would provide at least one additional outlet.

It may also be that the Senate, through an Ombudsman Committee, could play a useful role in the field of culture and linguistic rights, particularly if a Bill of Rights, as proposed by the Government, is written into the Canadian Constitution. It is true that the Senate was conceived of, at the beginning, primarily as a place in which local interests might be protected and sectional jealousies prevented; but federalism today does not necessarily mean exactly what it meant in 1867. The Senate is ready to play its full part in what we hope will be the revitalized federalism of tomorrow.

I think a Senate Ombudsman Committee would be good public relations for the Senate, because it would establish an avenue of communication between the Senate and the people, as a public watchdog. The French use a State Council as a review board.

I have already suggested that many are resorting to violence these days because, we are told, they have no peaceful or legal remedies to their grievances. But violence is not the remedy.

The French language and culture in Canada, outside of Quebec, could well be maintained by an Ombudsman Committee, which would have representation from all the provinces. With proper direction it could be a source of impartial and effective review of citizens' grievances. It could be the effective instrumentality of constructive criticism of existing administrative functions and actions. It could provide an atmosphere within the halls of Parliament where citizens could lodge complaints without fear of retaliation or reprisal.

I invite honourable senators to contribute their ideas in the course of this debate and ultimately to vote for this resolution.

On motion of Hon. Mr. McDonald (Moosomin), debate adjourned.

SUPREME COURT ACT

BILL TO AMEND—MOTION IN AMENDMENT TO REFER BACK REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate resumed from Thursday, October 10, the adjourned debate on the motion, in amendment, of the honourable Senator Roebuck, to the motion of the honourable Senator Phillips (Rigaud), for the adoption of the report of the Standing Committee on Banking and Commerce on Bill S-8, to amend the Supreme Court Act.

Hon. Jacques Flynn: Honourable senators, Senator Choquette adjourned the debate at my request, but only for the purpose of giving an opportunity to Senator Hayden to speak. I understand that he will be here soon. In the meantime, Senator Phillips (Rigaud) is willing to proceed, and therefore with the permission of honourable senators I wish to yield to the honourable Senator Phillips (Rigaud).

Hon. Senators: Agreed.

Hon. Lazarus Phillips: Honourable senators, I thank the Leader of the Opposition for his courtesy in giving me this opportunity to address you now.

I shall, in the main, speak to the remarkable and warm speech of our respected Senator Roebuck. Those of us who had the opportunity of listening to him last week were deeply touched by his reaction to what he clearly thought was, and probably still thinks is, the invasion of the rights of the poor man.

In reacting very warmly, however, to this emotional interest, I am sure the honourable senator for whom we all have the utmost regard, respect and affection, will expect me to deal in some detail with the subject matter of his observations and to see, having regard to the fact we are dealing with a very important bill involving the Supreme Court Act, that we relate ourselves possibly more directly and in more detail to the subject matter of the various sections of the bill itself.

However, before doing so, may I cover one personal point in respect of which I have a vested interest, I think, having regard to the fact that the honourable Senator Roebuck referred to the Book of Proverbs. He said:

> There is an old saying among English jurists which came, not from the Proverbs but from a judgment of long ago: "Let justice be done, though the heavens fall."

The inference, although unwittingly, would be that in so far as the Book of Proverbs was concerned, it was not interested in seeing that justice be done. As he spent some time dealing with the subject matter of the rights of the poor and the arrogance of the rich, may I just take one or two moments to read into the record a few observations from the Book of Proverbs which indicate that that very important work is indeed interested in the rights of the poor.

The first is a remarkable one:

> Who so mocketh the poor, reproacheth his Maker.

The second is:

> ... but he that maketh haste to be rich shall not be innocent.

I am sure that Senator Roebuck will like that one.

Lastly:

> He that giveth unto the poor shall not lack.

Honourable senators, having disposed of my duty, shall I say, to my race in terms of references to the Old Testament, I shall direct myself now to the bill that is before us, namely, this bill amending the Supreme Court Act. First of all, let me read from Senator Roebuck's remarks which are reported at page 259 of the *Debates of the Senate* of Thursday, October 10, 1968:

> I am inclined to think that if we have to have consent to appeal, that consent should be required of all people, great or small, and whether there is $10,000 or 10 cents in issue.

I shall have occasion to point out to honourable senators that under section 41 of the present Supreme Court Act—and I referred to this section when I tried to explain this bill on second reading—three judges of the Supreme Court of Canada on application, if these proposed amendments are passed, will have the right, as they do have the right now, to deal with all applications for leave to appeal to the Supreme Court, independent of the amount involved, wherever it is their opinion that justice may be thereby done. There is a right of appeal, subject to the consent of three judges, in such a case. Under those conditions, the problem of protecting the interests of the poor disappears, and the categorizing of the Supreme Court of Canada, upon which my honourable colleague spoke so feelingly as a rich man's court, is clearly at variance with the law of the land having regard to the provisions of section 41 of the Supreme Court Act.

Hon. Mr. Martin: Subject to subsection 3 of that section.

Hon. Mr. Phillips (Rigaud): Subject to sections 40 and 44 of the act, which do not contain any reference to the subject matter of amount, which seems to be the matter particularly concerning Senator Roebuck. Sections 40 and 44 deal with entirely different matters, such as *mandamus* proceedings, writs of *certiorari* and other matters which have not been the subject of discussion in this chamber.

Honourable senators should also be advised of the important provision in section 38 of the act which thus far has not been dealt with in the debate, and which is not the subject of any proposed amendment in this bill. Under section 38 provision is made for an appellate court in a province, on application, to allow an appeal to the Supreme Court of Canada. I am sure it was not meant, but the impression has been created that this whole idea of making the Supreme Court of Canada a rich man's court, by way of restriction on appeals where a money amount is involved, was something novel in this bill presently before honourable senators for their consideration. It should be pointed out, as I attempted to point out in what I thought was a clear presentation of the bill—I certainly tried to do this in a humble way—that the question of the dollar concept in relationship to amendments to the Supreme Court Act was dealt with in 1956 when the amount of $2,000 was raised to $10,000. It was then that there was introduced the modification of the money amount which guided the circumstances under which an appellant had the right to go before the Supreme Court of Canada. In 1956 the amount was raised from $2,000 to an excess of $10,000 in money or value.

Honourable senators will be interested to know that when the Supreme Court Act was passed in 1875, the right of appeal, in so far as judgments from the Province of Quebec were concerned, was restricted in respect of amount to $2,000 and over. I think this applied in terms of restrictions, as to amount, to judgments of courts in other provinces. I think at one time, in the Province of Ontario, the amount was $1,000, as my honourable friend, Senator Roebuck will no doubt know because he was at one time the attorney general of that great province. In 1920 the amount was raised to $2,000 more or less uniformly across Canada.

It follows, therefore, that the general conception that appeals to the highest court in the land were related in some form to the amount of money involved is not new. It goes back to the very inception and constitution of the Supreme Court of Canada. It was raised to $2,000, and then it was raised to $10,000.

My honourable friend Senator Roebuck himself admitted, in so far as clause 2 of the bill is concerned—and surely the honourable senator was a member of this chamber in 1956 when the bill increasing the amount from $2,000 to $10,000 was passed—that it was because of oversight on the part of the officers of the Crown that section 39, in respect of *per saltum* appeals, was not amended to bring it into line with section 36. By "*per saltum* appeals" I refer to appeals from a lower court jumping the appellate court within a province and, with the consent of the parties, being taken directly to the Supreme Court of Canada.

What does this bill that is before us do specifically? It does not attack the rights of the poor. It does not create privileges for the rich. What it does is this: it provides that in respect of appeals to the Supreme Court of Canada, such appeals under section 36 lie as of right to the appellant where there is an issue of law involved, and there is taken away from the Supreme Court of Canada a jurisdiction in respect of the subject matter of cases which deal with questions of fact, and of mixed law and fact. That is the effect of clause 1 of the bill.

Clause 2, dealing with *per saltum* appeals, merely brings the amount of $10,000 up from $2,000 so that section 39 of the act is in line with the amendment of 1956. I have already indicated the chain in the conception of jurisdiction related to dollar amounts going back to 1875, when the Supreme Court of Canada was first constituted.

Honourable senators, I had intended to draft something which I could incorporate in my remarks to indicate why it is desirable to take from the Supreme Court of Canada this burden of dealing with questions of fact and questions of mixed fact and law. Those members of this house who are fellow lawyers with me at the Bar will, I think, without hesitation confirm my observation that in the overwhelming number of cases, appellate courts are loath to interfere with the trial judge's appraisal of the value of evidence given by witnesses. The tendency all through my lifetime as practitioner at the Bar—which, alas, is close to half a century—has been for appellate courts to say that the trial judge, having seen how the witnesses behave in the box under examination and cross-examination, is in the best position of any to judge credibility. When an issue is brought before an appellate court that is wholly one of fact, or even one of mixed fact and law but where the law depends upon the credibility of the evidence and an appraisal of the facts, the appellate court will almost invariably say: "We will not interfere with the views of the trial judge, and his appraisal of the credibility of the evidence."

I suggest, honourable senators, that if you are trying to protect the interests of the litigants and trying to avoid increasing the chasm between the rich and the poor when dealing with the highest court of the land, we should take away from the highest court the jurisdiction to deal with questions of fact, because in practice they are loath so to do. What happens in cases which go up to the Supreme Court on questions of fact is that the litigants get poorer and the lawyers get richer, and I am sure that Senator Roebuck did not have that in mind when he dealt with his concern for the poor.

What is the responsibility of the Supreme Court of Canada and what should it be? Here I should like to repeat something and read it into the record as constituting a wonderful statement on the duty of the highest court, which one would expect from the eminence and legal attainments of Senator Roebuck. Some of my listeners may not have read the speech, some of you may not have listened to the speech. Listen, honourable senators, to this remarkable and concise statement of what the Supreme Court should be:

> In my judgment, this court has a very great role to play in the business activities of our nation, in the lives of our people, in the development of a jurisprudence that applies in all Canada: first in order that the law may be more just, and secondly that it may be as uniform as possible in all our provinces, which is very important. There are ten provinces in Canada with ten sets of trial courts and ten courts of appeal. Sometimes the judgments of these courts conflict with one another. It is most important that we have a Supreme Court whose judgment is superior to all others, and, in consequence, a uniformity of law results.

Not a word about appraisal of evidence, not a word about authority and the desirability of jurisdiction being given to Supreme Court judges to set aside findings of facts of judges

in the lower courts, but a paean of praise to the Supreme Court that it should become the highest court in the land in order that we get a set of uniform laws for the whole of Canada. He continues:

> The desirability of a uniformity of law is indicated in the British North America Act in which there is a section designed to assist in that regard.

I therefore submit that surely in relation to section 36 and section 39 the issue is not the convenience of the court, which has been suggested, and therefore on that basis let us have more judges. The issue is to modernize the law having regard to the development that has taken place, as I said in my initial speech, in this great country of ours so that we do not burden the highest court of the land with absurd questions of fact on whether an automobile driven by "A" was going at 60.8 miles per hour or whether an automobile driven by "B" was going at 60.9 miles per hour.

The whole idea is to do what my learned friend Senator Rœbuck says, to give this court consisting of nine of our greatest jurists the right, opportunity, facilities and time as questions of law come before it under section 36, if this amendment goes through, and under section 39, the *per saltum* section, so that they can deal with the very questions that are necessary in order to expose the law, to analyze the law and bring about a uniformity, so that the law-abiding citizens of this country can guide themselves as individuals and as corporate structures. So much for sections 36 and 39.

Then we come to what the senator regarded, possibly with the exception of the *habeas corpus* item to which I will come, as the item which seemed to be disturbing him the most, namely that which now calls for the application to be heard before three judges rather than, as in previous instances, before one judge in some cases. In dealing with that subject the honourable senator said:

> If I am right, we were permitted to apply rather informally to a single judge of the Supreme Court of Canada. I have been present on such an application. Such an application must under this bill now be made to three judges which involves, of course, more formality, and with formality there is usually increased expense.

I have read and re-read this paragraph and I find it difficult, with the utmost affection for my learned colleague, to determine how it becomes more expensive, once you have to come up to Ottawa and are making an application for leave under section 41 of the act, because the application is made before three judges rather than before one judge. In my humble opinion, the introduction of the concept of three judges to listen to an application for appeal under section 41 helps the poor man rather than the lawyer who submits the application on the part of the poor man.

The honourable senator has referred to the fact that in the Supreme Court of Canada the exhibits must be printed, and also that the factum in the case may be printed. I do not wish to burden the house on this point, but I would ask the honourable Senator Roebuck to be good enough to check with the rules of the Supreme Court, where he will find that Xeroxing and copying is allowed, and that it is not necessary to print, as he indicated in his speech. This is simply part of the idea of progress which may have escaped the attention of the honourable senator. That, however, is only incidental, and is not a material point.

The real issue is when you come up under section 41—and again I remind honourable senators that here is a poor man who as of right comes to the Supreme Court of Canada and says that he wants justice to be done, that he wants to be heard—and the amount involved does not exceed the $10,000 under section 36, and is not in excess of $10,000 in the *per saltum* under section 39, then subject to the decision of three judges this poor applicant will have his case heard before a full court.

Honourable senators in this chamber who practise law will agree with me, I think, that they would rather have three judges to determine if there is a strong enough case for this poor man to warrant his going to the expense of continuing to employ counsel to bring that case to the Supreme Court of Canada with all the attendant expense involved. The mere fact that an appellant who is poor can appear before one judge and get the right to go to the Supreme Court of Canada may be anti-social and may be contrary to the interest of the applicant—

Hon. Mr. Choquette: And his refusal as such, as in the Coffin case where one judge alone refused leave to go to the Supreme Court of Canada, and the whole cabinet had to intervene.

Hon. Mr. Phillips (Rigaud): Exactly. At least when you go before three judges and when this poor applicant is given the right to go to the Supreme Court of Canada, there is a reasonable *prima facie* case that justifies his lawyer in taking that case from the appeal court to the Supreme Court of Canada.

Therefore, I submit that clause 3, which is amending section 44A of our Supreme Court Act, is a poor man's amendment and not a rich man's amendment, in the sense that he has a reasonable assurance, after three judges listened to his application, that he has some sort of a case which justifies a full court to hear it.

Now we come to the basic consideration, again, of the right to go to the Supreme Court of Canada in matters involving sums of less than $10,000. Here I quote from the very contrary statement of the honourable Senator Roebuck—and I say that with some hesitation—at page 258 in Senate *Hansard*:

> I think my lawyer friends will agree with me that in the past, when it was necessary to ask for leave to appeal to the Supreme Court of Canada, that application might have been made to the appeal court of the province. In the provincial appeal court the typewritten transcript evidence was used, and also a trip to Ottawa was avoided, as was also the necessary paraphernalia of this rich man's court. Honourable senators will note that this practice is to be abolished by this clause in the bill, and that application must then be made directly to the Supreme Court of Canada.

Honourable senators, I have not relied on my own reading of section 38 of the Supreme Court Act. I have taken the precaution to check in higher quarters on this subject matter, and I assure honourable senators that section 38 of the Supreme Court Act, which is not touched in this bill, remains as part of the law, and under section 38 of the Supreme Court Act appellate courts continue to have the right to grant appeals to the Supreme Court of Canada.

I suggest that in this particular instance the fact that the honourable senator has raised this point may create some doubts in the minds of lawyers, and that in due course, when it comes to the final drafting of this bill, it may well be made clear, beyond any peradventure of doubt, that section 38 of the present Supreme Court Act is not touched in any way, is not modified in any way, and the citadel of protection given to the poor man, of right to appeal to the Supreme Court of Canada, in a particular province, still vests in the appellate court of that province.

Hon. Mr. Martin: Does the honourable senator agree that if section 38 were not in the act, that provision would still be provided for by section 41, subsection (3)?

Hon. Mr. Phillips (Rigaud): My learned friend instinctively felt, in his speech, that he was previously overlooking the wording of section 38, because in his speech, as reported at page 258, column 2, in the penultimate paragraph, he says:

> We have an assurance, I understand, that these restrictions will not lead to a tightening of the court's decisions in regard to leave to appeal. I am referring here to section 41 of the present act, which now makes it possible for the intending litigant to apply to the Supreme Court of Canada or to the provincial court, for leave to appeal to the Supreme Court of Canada, though the amount in issue may be insufficient.

This is the hard core of the answer to my honourable friend. Section 41 does not deal with the right of appeal to the Supreme Court of Canada via an appellate court of the province. That is dealt with under section 38. But section 41 does give the Supreme Court justices the right to grant the appeal. So, under section 38 of the Supreme Court Act a right of appeal is given in amounts less than in excess of $10,000, if an appellate court in a province on application grants leave to appeal; and under section 41 of the Supreme Court Act the Supreme Court judges, sitting three in number, in my opinion, for the convenience of the appellant, for the reasons I have just given, also have the right to grant an appeal, even though the amount may be in a sum less than in excess of $10,000.

Honourable senators, I think that I have, to the best of my ability at least, completely disposed of the conception that there is an ominous contraction in the right of an applicant before the court, that the poor man is being dragooned into a distress position and that the court is progressively taking on the characteristic of a rich man's court.

On the contrary, under the provisions of sections 36 and 39 we have the Supreme Court geared now, if this bill goes through, to bring about a uniformity of law, an objective which is highly desirable, as couched in the beautiful language of Senator Roebuck to which I have previously referred.

Under sections 38 and 41 of the law, in amounts involving less than a sum in excess of $10,000, we have still the jurisdiction of our provincial courts and our Supreme Court to see that appeals are heard by the Supreme Court.

Honourable senators, in my opinion, this should conclusively dispose of the objections which have been raised to clauses 1, 2 and 3 of the bill.

I turn now to a section which, as I think I said in the introduction of the bill, might give some concern, where one's first reaction would be: Let us take a good look at this one because we are dealing with an historic right of *habeas corpus ad subjiciendum*. I agree with honourable senators that we should deal carefully with a section of this kind.

Honourable Senator Roebuck made this statement at page 260 of Senate *Hansard*, October 10, 1968:

> So important has it been considered in the past, and in this very chamber, that we have kept it in effect. It is the rule that one may shop about from judge to judge, and that if any judge, no matter what a previous judge may have said, is of opinion that there is doubt as to the imprisonment or detention of an individual by some other person, that judge may issue a writ that requires the jailer, shall I call him, to appear in court and explain his actions and justify the imprisonment. Now, who could argue against that?

The answer to this position is simple. The argument against it is the law of the land—the amendments that have been made to the Criminal Code on this whole question of how to deal with the subject matter of habeas corpus, the Criminal Code being under the jurisdiction of this Parliament and the amendments having been made in this Parliament obviously with the approval of this august chamber.

Section 691 of the Criminal Code was amended in the Statutes of Canada, 1964-1965, chapter 53, section 1, and it provides for an appeal to the provincial courts of appeal as of right from the refusal of an application for a writ of *habeas corpus ad subjiciendum*. Where in such an appeal the application is refused, a further appeal lies, again as of right, to the Supreme Court of Canada.

The amendment also provides that when the application for a writ is granted there shall be an appeal as of right to the provincial court of appeal from the judgment issued on the return of the writ with further appeal to the Supreme Court of Canada with leave of that court. The Supreme Court now having jurisdiction to hear appeals in habeas corpus in criminal matters from provincial courts, it is considered that section 57 has been rendered superfluous. In fact, it is anomalous that the court should have both an appellate and an original jurisdiction in relationship to the same subject matter.

What does section 691 of the Criminal Code, which I have summarized, say in actual words? I think it should be read into the record, because after I read it into the record you will see that in the rest of Canada an applicant will not have the right to shop from judge to judge in order to get a writ; but the suggestion is made that the right of merchandising or shopping be still available in appearing before judges of the Supreme Court of Canada. That is what we are saying. Judges of the lower courts, in dealing with this matter, are not subjected to this "shopping" activity. If one judge says no, then you cannot go to another judge. But when it comes to the nine judges of the Supreme Court of Canada the suggestion is that these nine judges should be subjected to the "shopping" operations of a practising lawyer in order to obtain the writ.

I read into the record section 691 of the Criminal Code as amended in 1965:

> 1. (3) Where an application for a writ of *habeas corpus ad subjiciendum* is refused by a judge of a court having jurisdiction therein, no application may again be made on the same grounds whether to the same or to another court or judge, unless fresh evidence is adduced, but an appeal from such refusal shall lie to the Court of Appeal, and where on such appeal the application is refused a further appeal shall lie to the Supreme Court of Canada.

Parliament of Canada in its wisdom and under the jurisdiction vested in it, in dealing with the Criminal Code—one of the most important pieces of jurisdiction that it enjoys—passed this amendment and, in passing it, the wisdom of Parliament concluded, presumably in both houses, that the rights of the subject were amply protected and that there was no danger that the historic rights of Magna Charta going back to medieval times would be affected in any way.

We are now being asked to question the judgment of the Parliament of Canada as it

sat in the year 1965, at which time, presumably after careful consideration of the entire matter, it was felt that the rights of the subject in Canada were properly protected by giving him the right to proceed as provided under section 691, inclusive of an ultimate right of appeal to the Supreme Court of Canada. All we are doing is simply taking away the concurrent jurisdiction of the nine judges of the Supreme Court of Canada, first, because it is absurd to take away the right to shop, to visit all the judges from coast to coast in Canada but still subject the nine judges of our Supreme Court to this procedure, and secondly, because it is clearly anomalous—I should like to use the word absurd—for practising lawyers to have a high court of the land, our highest court, both the highest appellate court and still a court of original jurisdiction in respect of the same subject matter.

I think honourable colleagues who practise law will agree with me in this observation.

Honorable senators, I yield to no one in my respect, affection and regard for Senator Roebuck. I am only sorry that the fates did not bring me here sooner so that I could have had the advantage of his friendship and guidance in many matters through the years. I am a newcomer to these parts. If I have been unduly emphatic in some of my observations, they have been merely due to my desire to discharge my duties as I see them in explaining this bill, and I certainly do hope that I have not offended in any way a gentleman for whom I have the profoundest regards.

Hon. John M. Macdonald: Honourable senators, I just want to say a word or two on the motion in amendment proposed by Senator Roebuck. First of all, I should say that this debate has been valuable not only as debating the proposed amendment but also in giving us the opportunity and inclination, as it were, to take a look at the Supreme Court Act to see if there are other sections which might be brought up to date.

I was somewhat impressed to hear Senator Phillips (Rigaud mention that the so-called "money clause" in the Supreme Court Act has been there since 1875. He is apparently proposing this as an argument why it should be there today. Personally, I can see no reason, just because it was in the act of 1875, that it should be in the act of 1968. I think he has come up with a straw man in that respect.

Speaking to the question of the Supreme Court being a rich man's court, I do not think that is what is involved at all. What is involved here is a great principle, taking away from the ordinary man something which he now has. I think those who are proposing this amendment are looking at it from a different point of view to that of Senator Roebuck and myself. They are looking at it from the point of view of the Supreme Court of Canada whereas we are looking at it from the point of view of the ordinary man and woman in Canada.

Some suggestion was made that the process of appealing to the court should be streamlined so as to do away with what might be considered absurd cases. Although I do not know how many trivial matters were brought before the Supreme Court of Canada since 1956, I would like to say that I believe it is better that that court deal with some cases which might be called trivial or absurd rather than allow an injustice to be done to any person who lives in Canada. I would further state that I have no time for this idea of having to go before the Supreme Court or a provincial court for leave to appeal. I believe anyone who lives in Canada should have the right to go before the Supreme Court of Canada if he pleases and if he believes that an injustice has been done him. It should be his right as a citizen of this country. He should not have to ask for leave to appeal, to go on bended knees to anyone. Certainly we are taking something away by these amendments, and I say that this is wrong. It has been stated that the Supreme Court of Canada should not have jurisdiction over habeas corpus cases. I completely disagree with this, for again we are taking something away which the citizen of Canada now has. It is a safeguard which should remain.

I am in favour of Senator Roebuck's motion in amendment because I plead that it is wholly wrong that the act should be amended as proposed by the bill now before us. I would like to see that clause wiped out whereby the amount of money involved determines the right to appeal. Let us give to the people who live in this country their right to go to the highest court in the land. That is their right, and not something dependant upon the discretion of any judge.

Hon. Jacques Flynn: Honourable senators, I would remind you that the motion before the house is to return this report to the Standing Committee on Banking and Commerce, and so I am wondering whether the discussion has been entirely germane. It seems to me that the arguments presented by Senator Roebuck and Senator Macdonald (Cape Breton)

opposed the principle of the bill, and I do not understand what we could accomplish in committee if we were to refer the bill back.

It seems to me that these arguments would have been valid at the second reading stage; they may still be valid at the third reading stage, but I do not see any purpose in returning this bill to committee on the basis of the arguments submitted by Senators Roebuck, Prowse and Macdonald. I respect their viewpoints, but I suggest that they are simply opposing the bill and cannot ask the committee to do anything more than it has already done. What they should do is vote against the bill.

Hon. Mr. Croll: In the light of what has been said, does the Honourable Leader of the Opposition not think it would be advisable to hear the Minister of Justice on this bill?

Hon. Mr. Flynn: This could have been done before, of course, but even if the Minister of Justice does come before the committee he will not do more than has been done by Senator Lazarus Phillips who, I feel, has given us a very good explanation of the purposes of the bill. The only thing the Minister of Justice could do in committee would be to yield to the viewpoints of Senators Roebuck, Prowse and Macdonald (Cape Breton) and withdraw the bill. If you accept this possibility, I do not mind and I will vote for the motion of Senator Roebuck just to see that happen; otherwise, I do not think it has any valid purpose.

Hon. Mr. Croll: I do not suggest that the Minister of Justice could do any better than Senator Lazarus Phillips, but he might do something different in the light of what he hears in committee.

Hon. Mr. Flynn: I am sure that the minister has read what has transpired in this house and in our committee.

On motion of Hon. Mr. Hayden, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 145 to 208, inclusive, which were presented on Wednesday, October 9.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 145, for the relief of Vernon Hulan.

Resolution 146, for the relief of Warren Connor.

Resolution 147, for the relief of Lillian Maud Kemp Castle.

Resolution 148, for the relief of Ingrid Klutzny Robson.

Resolution 149, for the relief of Colette Demars (Demers) Beaulne.

Resolution 150, for the relief of Margaret Mary Pitkethly (Pitketkly) Hastings Heavyside.

Resolution 151, for the relief of Liliane Serruya Moller.

Resolution 152, for the relief of Maria Todor Szerencsi.

Resolution 153, for the relief of Suzanne Marie Lapointe Perron.

Resolution 154, for the relief of Martin Daniel Clifford.

Resolution 155, for the relief of Lise Venne Blouin.

Resolution 156, for the relief of Yves Boucher.

Resolution 157, for the relief of Marguerite Evelyn Lucy Watts Paterson Wolfe.

Resolution 158, for the relief of Aimee Lefebvre Leeming.

Resolution 159, for the relief of Thomas Ross Andrews.

Resolution 160, for the relief of Maria Aladics Gardosi.

Resolution 161, for the relief of Maureen Ruth Margaret Deegan Gauvreau.

Resolution 162, for the relief of Norman George Joseph Noel.

Resolution 163, for the relief of Stanley Harris Pippy.

Resolution 164, for the relief of Anna Swiderska Goralczyk.

Resolution 165, for the relief of Joseph Romeo Yves Noel Cantin.

Resolution 166, for the relief of MacGregor Charles Blachford.

Resolution 167, for the relief of Jean Bernard Gilles St. Jacques.

Resolution 168, for the relief of Marcel Parent.

Resolution 169, for the relief of Yvan Lesenko.

Resolution 170, for the relief of Pearl Ruth Nadler Bercovitch.

Resolution 171, for the relief of Bernard William Langevin.

Resolution 172, for the relief of Laura Audrey Helynck Taylor.

Resolution 173, for the relief of Claire Brousseau Ramacieri, otherwise known as Claire Brousseau Ramaciere.

Resolution 174, for the relief of Bela Zylberberg Zeman Woldberg.

Resolution 175, for the relief of Joan Germain Tanguay Rewjakin.

Resolution 176, for the relief of Yvonne Dymphena de Blok Gough.

Resolution 177, for the relief of John Louis Frigon Ferguson.

Resolution 178, for the relief of Linda Pearl Sherback Milrot.

Resolution 179, for the relief of Hayward Allan Dawe.

Resolution 180, for the relief of Leslie George Davies.

Resolution 181, for the relief of Elsa Tenenbaum Arnold.

Resolution 182, for the relief of Marcel Guindon.

Resolution 183, for the relief of Jean Baptiste Edward Napoleon Jalbert.

Resolution 184, for the relief of Patricia Ann Hughes Ray.

Resolution 185, for the relief of Raymond Gervais Decary.

Resolution 186, for the relief of Joyce Lynn Gammon Stacey.

Resolution 187, for the relief of Gerald Lacasse.

Resolution 188, for the relief of Dwoira Plis Gaus.

Resolution 189, for the relief of Imelda Babineau Brisebois.

Resolution 190, for the relief of Therese Sauve Duquette.

Resolution 191, for the relief of Elizabeth Joan St. Alphonse McVey.

Resolution 192, for the relief of Rojsa Silber Wolfus.

Resolution 193, for the relief of Angeliki Antoniou Vouvoutsis.

Resolution 194, for the relief of Gerard Chevrier.

Resolution 195, for the relief of Donald Hillman MacKinnon.

Resolution 196, for the relief of John Charles Puddester.

Resolution 197, for the relief of Rejeanne Bergeron Bilodeau.

Resolution 198, for the relief of Patia Hrysakis Loumakis.

Resolution 199, for the relief of Jacqueline Major Galarneau.

Resolution 200, for the relief of Jean Claude Dutil.

Resolution 201, for the relief of Fabien Dubois.

Resolution 202, for the relief of Alfred Dubuc.

Resolution 203, for the relief of Nadia Komjagina Skliarewski Uspenski.

Resolution 204, for the relief of Sheila Yvonne Mallett Isaac.

Resolution 205, for the relief of Noel Alphonse Sabourin.

Resolution 206, for the relief of Carol Jean Douglas Miller.

Resolution 207, for the relief of Renate Bornholdt Pliverits.

Resolution 208, for the relief of Jean Guy Collin.

Resolutions adopted, on division.

CANADIAN NATIONAL RAILWAY BILL

CONSTRUCTION OF LINE OF RAILWAY NEAR WINDFALL, ALBERTA, AND OF A CONNECTING SPUR—SECOND READING

Hon. Maurice Bourget moved the second reading of Bill C-109, respecting the construction of a line of railway in the Province of Alberta by Canadian National Railway Company from the vicinity of Windfall on the Windfall Extension to the Sangudo Subdivision of the Canadian National Railway in a westerly direction for a distance of approximately 51 miles to the Bigstone property of Pan American Petroleum Corporation and of a connecting spur extending in a northerly direction for a distance of approximately 9 miles to the South Kaybob property of Hudson's Bay Oil & Gas Company Limited and its associates.

He said: Honourable senators, the purpose of Bill C-109 is to permit the Canadian National Railway to build approximately 60 miles of new branch line trackage to serve the requirements of two new sulphur recovery plants which have been built or are being built in the Windfall gas fields in Alberta. This trackage will consist of a branch line about 51 miles in length extending westerly from a point on the existing Canadian National line near Windfall to the Bigstone property of the Pan American Petroleum Corporation, and also a spur about nine miles long extending northerly from that line to the South

Kaybob property of a syndicate headed by Hudson's Bay Oil & Gas Company Limited. These two properties represent important new industrial developments and new sources of sulphur and liquid petroleum gas, and can be looked to for substantial contributions to the economic activity of that particular region as well as to Canada's export trade.

The Bigstone plant is already in production, and the construction of the South Kaybob plant is well advanced, completion being scheduled for November of this year. The need for the services which the new line will provide is therefore pressing.

The cost of the new line including the crossing of the Athabasca River is estimated at $10,435,000, averaging about $174,000 per mile. In accordance with the usual practice, this bill authorizes the expenditure of that sum, and allows for an additional 15 per cent, if required, to cover contingencies. The usual borrowing powers are also included.

I am informed by the management of the Canadian National Railways that the traffic agreements negotiated between that company and the Pan American Petroleum Corporation and Hudson's Bay Oil & Gas Company Limited guarantee annual shipments over the new C.N.R. line of 75 per cent of all production of sulphur and liquid petroleum gas at both plants, with a minimum of 223,000 long tons of sulphur. If the companies fail to meet the minimum annual guarantee, they are subject to a penalty in respect of any tonnage which falls short of the minimum annual guarantee.

Officials of Canadian National Railways have confirmed that gross railway earnings generated by the operations of these two sulphur recovery plants will meet all expenses of operation and maintenance of the branch line, and the cost of transporting the industry's traffic on other lines of the Canadian National system plus interest and amortization of the cost of the branch line, and will produce also a satisfactory surplus for the railway. The new trackage will also stimulate interest and activity in the development of other resources in the area, including similar mineral prospects and the extensive timber resources of the Whitecourt Forest District through which the new line will pass.

I am told also that a second sulphur recovery plant at South Kaybob is already under construction and that there is a strong likelihood that another such plant will shortly be developed along the route traversed by the new line.

I am sure all honourable senators are satisfied that the economics and other justifications for the project contemplated by this bill are sound, and that the construction of this line is clearly in the interests of the railway and also of the taxpayers of Canada.

I do not think it is necessary to explain all the clauses contained in this bill because except for the necessary changes pertaining to geographic location and the dollar amounts, the form and provisions of the bill are in all other respects similar to legislation which has been passed by this house from time to time authorizing the construction of C.N.R. branch lines.

In closing I may add that this bill has received the unanimous support of all parties in the other place, and I do recommend it to this house.

Hon. Gunnar S. Thorvaldson: Honourable senators, I think we could all agree that some of the most interesting bills to come before the Senate in recent years were those relating to the building of railways. I refer particularly to the building of railways in the northwestern part of Canada. I think we all know that bills providing for the building of railways have traditionally been an important function of the Parliament of this country. We may also recall that some years ago the Senate was not in agreement with the other place in regard to many railway-building projects that were then about to be undertaken subject, of course, to the concurrence of this house. I think, too, it is historically accurate to say that the Senate saved Canada many millions of dollars by refusing certain railway developments which subsequent years proved would have been very unwise investments for Canada.

However, there is a new surge of prosperity and development in the northern part of Canada, particularly the northwest. This was brought forcefully to our attention a few years ago when Parliament dealt with the construction of the Pine Point Railway, running from a point in Alberta to the Pine Point mineral development in the Northwest Territories. I think it is a fact that that railway has been very successful both operationally and financially. It was essential for the development of that part of Canada, and time has proven that fact.

I think the same thing can be said for the construction contemplated in this bill. Just this morning I was reading in the *Financial Post* a report of the fantastic development in oil and its by-products that is taking place in

the northwest of Canada, and indeed in the ocean north of us. The building of this railway is for the purpose of making possible this great development which is indeed only in its first stages at the present time.

I am sure we will be most interested to **hear in committee** what the officials of the railway have to say about this construction.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Bourget, bill referred to the Standing Committee on Transport and Communications.

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—SECOND READING

Hon. T. D'Arcy Leonard moved the second reading of Bill S-13, respecting The Excelsior Life Insurance Company.

He said: Honourable senators, this is the third time that the principle and the substance of this bill have been before this chamber. In 1966 a bill in identical wording received first and second readings, and was sent to the Standing Committee on Banking and Commerce where witnesses were heard. Subsequently the bill was reported back to this chamber, received third reading and was sent to the House of Commons. It had not been passed by that chamber before prorogation. Incidentally, prior to coming before the Senate in 1966 the bill had been approved, as to its wording and terms, by the Superintendent of Insurance and the Department of Justice.

The bill was reintroduced in 1967. Again, it received second reading. Without having checked the record, my recollection is that the suggestion came from the floor of the Senate that it was not necessary for the bill to be referred to committee, in view of the fact that the evidence had been heard and the bill explained the year before. Again, it passed the Senate and was sent to the House of Commons, where, again, it did not receive third reading.

So, it comes before us for the third time.

Hon. Mr. Croll: Do you never give up?

Hon. Mr. Leonard: I will now explain the terms and principle of the bill.

The Excelsior Life Insurance Company is a provincially incorporated company, having been incorporated under the laws of the Province of Ontario. It was incorporated as far back as 1897, and is one of the dozen or so major life insurance companies.

Not only is it under the jurisdiction of the Province of Ontario by reason of its incorporation, but it has also been registered for a number of years under the Canadian and British Insurance Companies Act and, as such, it is subject to the jurisdiction of both Departments of Insurance. Over the years this double jurisdiction has created some difficulties—even, one might say, some hardships.

Without going into them in detail, there are differences with respect to the investment powers of the company. The company must comply with the provisions of both jurisdictions. It is subject, of course, to the supervision and inspection of both jurisdictions. It must make and file returns with both jurisdictions. Probably most important of all is the fact that it being a reasonable size of company, doing business throughout Canada and outside of Canada, it is convinced that it would be better for it to be federally incorporated and come under federal jurisdiction. This decision on its part met with the approval of the Ontario Department of Insurance, which department agreed to this application for an act of incorporation; and, in fact, the Ontario Legislature in 1966 passed the enabling act that enables this company to become a federally incorporated company, and that legislation comes into effect if and when the federal Parliament passes this bill.

The effect of the bill is really to convert the company from its provincially incorporated status into a federally incorporated one.

This bill has not passed the House of Commons because of objections raised by some private members, I think in line with objections they have raised to some other bills. The fact that the Excelsior Life Insurance Company is an affiliate of a foreign company—it is an affiliate of the Aetna Life Insurance Company in the United States—has caused the objection to be raised that the Aetna should dispose of its interest in the Excelsior Life Insurance Company within a period of five years.

Hon. Mr. Thorvaldson: May I ask the honourable senator a question? Is the Aetna Life Insurance Company the sole owner of Excelsior, or is it the majority or a minority shareholder?

Hon. Mr. Leonard: I am not sure about the actual details of the share ownership; but, in effect, the Aetna Life controls the Excelsior Life Insurance Company—and I think that is probably the kind of answer the honourable

Senator Thorvaldson would like to have. The Aetna Life controls the Excelsior Life Insurance Company. That is the particular objection which has been raised by some members of the other place. I think honourable senators are aware that those who have raised that objection are not large in number.

The only submission I wish to make to this chamber is that if this kind of change were to be made, it is the kind of change that should apply to all companies and should not be a discriminatory one used against this particular life insurance company. That is to say, there is a number of other Canadian companies which are controlled outside of Canada, and if there is to be any legislation with respect to foreign control of life insurance companies, it should be by amendment to the general act and not by taking this particular company, for example, and making such an amendment.

As I say, this is the principle and substance of the bill, one which comes before us for the third time.

Hon. Mr. Roebuck: In identical terms?

Hon. Mr. Leonard: Yes, in identical terms. On the first occasion it was referred to the Standing Committee on Banking and Commerce. On the second occasion the Senate itself saw fit—and this is, again, my recollection—to dispense with referring it to committee. And on this occasion, the third time, I am in the hands of the Senate. If honourable senators feel they would like to hear the witnesses again, they will no doubt come from Toronto and give whatever evidence the committee would like to hear. I do suggest, of course, that the real gist of the objection raised in the other place is the kind of thing that should be dealt with in the other place rather than here.

Hon. Mr. Flynn: Would the honourable sponsor tell us if anything could have happened since the bill was examined in committee that could change the judgment of this chamber, or of the committee?

Hon. Mr. Leonard: I know of no change in the situation whatsoever, other than the question of foreign ownership that has been raised in the House of Commons.

Hon. Mr. Croll: Would it be helpful if some of those involved were to come before the committee and give evidence that would offset the kind of objection that is at present being raised?

Hon. Mr. Leonard: That is possible. If this is the kind of thinking of any one senator, that is sufficient answer for me. I have no desire whatsoever to push it forward or to rush it. If honourable senators feel they would like the bill to be referred once more to committee, then, after second reading, I will so move.

Hon. Mr. Croll: No, I am not asking for it to be referred to committee; I am perfectly satisfied. I am suggesting it might be to their advantage to have them appear before the committee and there say something to offset the arguments being used against them. If that helps you, fine.

Hon. Mr. Flynn: I suggest it would be more helpful to have that occur in the committee of the other place.

Hon. Mr. Croll: It never gets there.

Hon. Mr. Leonard: I think it would need something else to affect the kind of opposition that has been raised in the other place.

Hon. Mr. Croll: All right, I have no objection.

Hon. Mr. Thorvaldson: You might have answered my question in your general remarks, but is this Bill S-13 in identical terms to the bill considered before the committee a year ago?

Hon. Mr. Leonard: Yes, it is in identical terms. I have compared them myself.

Hon. Gunnar S. Thorvaldson: Honourable senators, I should like to say a few words in respect to this matter. I recall very well that this bill was before this house on two previous occasions, and it was before the Standing Committee on Banking and Commerce. We were perfectly satisfied that this was legislation which should be passed, and it is my personal view that it is unnecessary, and would constitute an undue hardship on the company's officers, to ask them to appear before the committee a third time.

I cannot imagine any honourable senator voicing objection to the terms of this bill. There were no objections in the past. I would urge the house to pass this bill without having it referred to committee.

Hon. Allister Grosart: Honourable senators, I am not speaking to the question of whether

or not the bill should be referred to a committee, because I do not think that is necessary. However, I am interested in the statement in the explanatory note referring to "the inconvenience and hardship resulting from the dual jurisdiction of the laws" governing the affairs of the company. I presume that refers to the fact that at the present time the company is incorporated in Ontario.

I should like to ask Senator Leonard whether, if this bill becomes law, it will mean that this company will not require a licence to operate in Ontario.

Hon. Mr. Leonard: Honourable senators, I defer again to others who are more familiar with this than I, but my understanding is that a federally incorporated company does not require a licence to do business in a province.

Motion agreed to and bill read second time.

SUSPENSION OF RULE 117

Hon. Mr. Leonard: Honourable senators, with leave of the Senate, I move that Rule 117 be suspended in relation to Bill S-13, respecting The Excelsior Life Insurance Company.

Motion agreed to.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Leonard moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—SECOND READING

Hon. Leopold Langlois moved the second reading of Bill S-12, respecting The Bonaventure and Gaspé Telephone Company, Limited.

He said: Honourable senators, this is by no means a new bill since it will be recalled that it was introduced into this chamber during the last session and was passed, after having been referred to the Standing Committee on Transport and Communications and reported back without amendment. After it was passed in this house it was sent to the other place where it was not possible for it to receive consideration before prorogation in the spring, and consequently it died on the Order Paper.

As honourable senators will see from the explanatory note, the purpose of the bill is to resolve doubts as to the power of The Bonaventure and Gaspé Telephone Company, Limited to dispose of its undertaking to a company not under the jurisdiction of the Parliament of Canada.

The Bonaventure and Gaspé Telephone Company was incorporated in 1907 by an Act of the Canadian Parliament. In 1955 the act of incorporation was amended to give to the company the power to sell and dispose of its undertaking, and its rights and properties, provided that such sale or disposal receives the approval of a meeting of shareholders called for that purpose, at which meeting two-thirds of the issued shares were represented by shareholders in person or by proxy, and provided further that no such sale or disposal should take effect until it had been submitted to and approved of by the Canadian Transport Commission.

It is felt that this amendment made in 1955 to the original Act of Incorporation does not clearly give the power to the company to dispose of its assets to another company not under the jurisdiction of the Parliament of Canada. In this instance, the company to which The Bonaventure and Gaspé Telephone Company, Limited wishes to sell its assets is the Quebec Telephone Company, which operates under a provincial charter. Therefore, this doubt is resolved by adding the following words to section 11 of the Act of Incorporation:

> Such sale or disposal, whether of the whole or any part of the said undertaking, rights and properties, may be so made by the Company to any company or person, whether within the legislative authority of the Parliament of Canada or not, authorized to carry on a business included within the objects or powers of the Company.

As honourable senators will note, this amendment is very simple, and it merely gives to the company the power to dispose of its assets to the Quebec Telephone Company which is, as I said, a company operating under provincial charter.

For the additional information of honourable senators I wish to add that since 1953 The Bonaventure and Gaspé Telephone Company, Limited has been under the control of the Quebec Telephone Company, which owns some 99.9 per cent of the capital stock. The undertaking in question is located entirely within the Province of Quebec. As a matter of fact, the district served by Quebec Telephone surrounds completely the district served by The Bonaventure and Gaspé Telephone Company, Limited. Moreover, the operations of the two companies have been

merged since 1953, with the result that there are duplications of services, and the purpose of Quebec Telephone in acquiring this undertaking is to avoid unnecessary expenses which arise because of such duplication of services as between the two companies.

I commend this bill to the favourable consideration of the Senate.

Hon. Mr. Isnor: Do I understand correctly that The Bonaventure and Gaspé Telephone Company does not operate outside the Province of Quebec?

Hon. Mr. Langlois: No, it does not.

Hon. Mr. Dessureault: Am I correct in assuming that both companies operate under the same ownership?

Hon. Mr. Langlois: Yes, Quebec Telephone owns 99.9 per cent of the shares of The Bonaventure and Gaspé Telephone Company, Limited.

Motion agreed to and bill read second time.

SUSPENSION OF RULE 117

Hon. Mr. Langlois: Honourable senators, I move, with leave of the Senate, that Rule 117 be suspended in relation to bill S-12 respecting The Bonaventure and Gaspé Telephone Company Limited.

I move this motion because this bill was, as I said in introducing it, referred to the Standing Committee on Transport and Communications last session.

Motion agreed to.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Langlois moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Leave having been given to revert to Reports of Committees:

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 212 to 259, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

BUSINESS OF THE HOUSE

Hon. Paul Martin: Honourable senators, we were to proceed next with Order No. 6. However, it was agreed earlier in the day that we would adjourn at 5.30 and I do not think it would be fair for Senator Belisle, who will resume the debate on the motion that a Special Committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada, to begin a speech at this hour, when I know that he would be speaking beyond the proposed time of adjournment. I would therefore suggest that we adjourn now.

Before the Senate adjourns, I have been asked by the Chairman of the Standing Committee on Banking and Commerce to advise honourable senators that my colleague the Minister of Consumer and Corporate Affairs (Hon. Mr. Basford) will appear before that committee tomorrow morning at 9.30 when the Precious Metals Marking Bill is considered.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, October 16, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Budget Papers, 1968-69 (English and French texts), for the information of Parliament, as follows:

Part I—Economic White Paper for 1968.

Part II—Review of Government Accounts 1967-68.

BANKING AND COMMERCE COMMITTEE

AUTHORITY TO PRINT PROCEEDINGS

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report on Bill S-4, respecting the marking of articles containing precious metals; Bill S-6, respecting The Canada Trust Company; Bill S-7, respecting The Huron and Erie Mortgage Corporation; and Bill S-10, to amend the Customs Act:

Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

PRECIOUS METALS MARKING BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-4, respecting the marking of articles containing precious metals, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Benidickson moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CUSTOMS ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

Hon. Mr. Hayden reported that the Standing Committee on Banking and Commerce had considered Bill S-10, to amend the Customs Act, and had directed that the bill be reported with the following amendment:

Page 2: Strike out clause 4 and substitute therefor the following:

"4. Section 93 of the said Act is repealed and the following substituted therefor:

'93. The collector or other proper officer may cause any package of goods described in a bill of entry to be opened and the contents thereof to be examined for the purpose of making an appraisal or in order to verify the information given in such entry.' "

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: I move, with leave of the Senate, that the report be adopted now.

Honourable senators, the proposed change in this bill is a simple one and is concurred in by the departmental officers. It had to do with a section in the Act which provides for the examination of imported articles. In its original form, the legislation provided that the examiner shall open and examine the articles in the presence of the importer or his agent. It was pointed out that this was a rather inflexible provision to put in legislation, particularly having regard to the fact that the importer is given notice in advance of any examination. Therefore, the officer could be delayed, particularly if there was any special reason for which he wanted to open the package reasonably soon. He would be at the will of the importer, yet the goods belong to the importer.

Therefore, the feeling of the committee was that we should recognize this principle on the basis that the importer has notice, in any event, that it is his own business as to whether he cares to attend or not, and that

the customs official must get on with the duty of appraisal. That is why we struck out those words.

Motion agreed to and report adopted.

On motion of Hon. Mr. Hayden, bill placed on the Orders of the Day for third reading at the next sitting.

PRIVATE BILLS

CANADA TRUST COMPANY—THE HURON AND ERIE MORTGAGE CORPORATION—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report:

> The Standing Committee on Banking and Commerce to which was referred Bill S-6, intituled: "An Act respecting The Canada Trust Company"; and Bill S-7, intituled: "An Act respecting The Huron and Erie Mortgage Corporation", has in obedience to the orders of reference of October 8th, 1968, examined the said bills and now reports the same without amendment.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Haig moved that the bills be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

STANDING COMMITTEE ON TRANSPORT AND COMMUNICATIONS

ADDITION TO MEMBERSHIP

Hon. A. Hamilton McDonald, with leave of the Senate, moved:

> That the name of the honourable Senator Sparrow be added to the list of senators serving on the Standing Committee on Transport and Communications.

Motion agreed to.

NATO

USE OF NUCLEAR WEAPONS—ALLEGED STATEMENT BY GENERAL LEMNITZER

On the Orders of the Day:

Hon. Chesley W. Carter: Honourable senators, before the Orders of the Day are called, may I be permitted to put a question to the Leader of the Government?

My question arises out of the statement, attributed to General Lemnitzer, given yesterday over the radio. He is alleged to have said that, because of the changed situation in Europe due to the Russian occupation of Czechoslovakia and the uncertainty as to what France might do in case of an emergency, NATO security would depend upon the use of nuclear tactical weapons. With those preliminary remarks, I should like to ask the Government leader if he would care to comment on that statement.

I should also like to ask him whether in his opinion Russia's occupation of Czechoslovakia, and the new doctrine announced by Russia to justify that action has changed the military situation in Europe to the point where expenditures on conventional arms are becoming a waste of money because the security of the Free World now demands a return to the brinkmanship of the nuclear deterrent.

Hon. Mr. Martin: Honourable Senators, I have not seen the statement of the Supreme Allied Commander, General Lemnitzer. In view of the important implications of my friend's questions, I would wish to see the statement before giving an answer. Therefore, I will take notice of his questions and deal with them tomorrow.

NATIONAL DEFENCE

REPORT RE DEATH OF PARACHUTISTS AT PETAWAWA

On the orders of the day:

Hon. George S. White: The Leader of the Government tabled a document in response to my request. The document reads as follows:

> ... copy of the report of the Board of Inquiry into the death of seven army parachutists on May 8 last, at Petawawa?

The leader has kindly given me a copy of the document tabled, but on examination I find it is not a copy of the Board of Inquiry but a document put out by the information services of the Department of National Defence in which they set forth their views and comments of what the report means. I would appreciate having a copy of the original report made by the department.

Hon. Mr. Martin: I will look into this matter at once.

PRIVATE BILLS

THE EXCELSIOR LIFE INSURANCE COMPANY—THIRD READING

Hon. T. D'Arcy Leonard moved the third reading of Bill S-13, respecting The Excelsior Life Insurance Company.

He said: Before the motion is put I think I owe it to the Senate to correct a statement that I made yesterday. In the unrevised print of *Hansard*, page 284, when referring to the history of this bill, I mentioned that on the first occasion it was referred by the Senate to the Standing Committee on Banking and Commerce. I go on to say, "On a second occasion the Senate itself saw fit—and this is, again, my recollection—to dispense with referring it to committee."

I was wrong in my recollection. The Senate did refer it to the Banking and Commerce Committee for a second time, and that committee again approved it in the form in which it had reached the committee and had gone through the Senate. Now, I do not think that in giving me leave to proceed with the third reading without going back to committee again this statement was of any great importance to the members of the Senate; nevertheless, my recollection was wrong and I wanted to bring this to the attention of the Senate.

Actually, when it went before the committee last year the proceedings took only a few minutes. Mr. Humphrys was the only witness called, and he explained the bill as he had the year before. The president of the company and their counsel were here from Toronto, but the committee did not ask them to give any further evidence. While proceedings last year were not a precedent for dispensing with the committee stage this year, there are other precedents with which I confused this particular case. If any of the members of the Senate feel that because it went to committee in two consecutive years it should go again, I am in the hands of the Senate. However, I do suggest that it having gone through the committee twice is really another argument in favour of not sending it to committee this year.

In addition to that point there were some questions asked of me yesterday, which I answered. I think I can amplify those answers.

Senator Thorvaldson asked me the extent of control held by the Aetna Life Insurance Company over the Excelsior Life Insurance Company. I knew there was control, but I did not know the extent of it. However, upon checking back, I have discovered that Aetna Life Insurance Company holds 70 per cent of Excelsior.

Senator Flynn asked whether the sponsor could tell us if anything had happened since the bill was examined previously in committee which could alter the judgment of this committee. My answer was that I knew of no change. However, in this case I also checked with Mr. Humphrys, Superintendent of Insurance, and asked if he knew of any change since last year which would affect the situation. He said he knew of no change that would in his opinion affect the opinion of the committee. I also checked with counsel for the insurance company, with the same result.

Senator Grosart asked if the bill passed and became a matter of federal jurisdiction, would any form of licensing by the provinces be required by the company to operate. My reply was that in my opinion the answer was no. I also inquired about this, and Mr. Humphrys informed me that the provinces do in fact have legislation and assert the jurisdiction to require federally incorporated insurance companies to take out licences in the province in order to do business there. Now, whatever constitutional question may be in dispute on that, the fact is that the companies are required by provincial legislation to take out licences and in fact they do so.

If those explanations are satisfactory, I will proceed with the motion for third reading.

Hon. Mr. Connolly (Ottawa West): I am a little concerned about the regularity of proceeding in this fashion with private bills. I wonder whether the sponsor has considered Rule 117, which reads:

> Every Private Bill, after its second reading, is referred to one of the Standing Committees on Private Bills.

However, if the motion has been put to dispense with the application of that rule, the situation is clear.

Hon. Mr. Leonard: The answer is "yes". In raising this question before the Senate yesterday, I called attention to Rule 117 and advised the Senate that we would have to dispense with that rule, and the Senate agreed.

Motion agreed to and bill read third time and passed.

THE BONAVENTURE AND GASPÉ TELEPHONE COMPANY, LIMITED—THIRD READING

Hon. Leopold Langlois moved the third reading of Bill S-12, respecting The Bonaventure and Gaspé Telephone Company, Limited.

Motion agreed to and bill read third time and passed.

SUPREME COURT ACT

BILL TO AMEND—MOTION IN AMENDMENT TO REFER BACK REPORT OF COMMITTEE NEGATIVED—REPORT ADOPTED

The Senate resumed from yesterday the adjourned debate on the motion, in amendment, of the honourable Senator Roebuck, to the motion of the honourable Senator Phillips (Rigaud), for the adoption of the report of the Standing Committee on Banking and Commerce on Bill S-8, to amend the Supreme Court Act.

Hon. Salter A. Hayden: Honourable senators, first I wish to commend the honourable Senator from Rigaud (Hon. Mr. Phillips) for the very clear and concise statement he made yesterday in his reference to and description of the scope and effect of the pertinent sections in this bill which seemed to raise difficulties so far as some honourable senators were concerned.

As a matter of fact, after having heard a portion of his remarks and having read the rest, my first reaction was to feel that the matter had been so amply covered that it would be unnecessary to add anything. However—then perhaps I made a fatal mistake—I went back and read again what Senator Roebuck has said on three occasions, I think it is, during the consideration of this bill, and also the remarks of Senator Prowse and Senator John Macdonald. After having reflected on those remarks, I felt there were some things I should say today, and I will come to them in a moment.

May I first refer, in a summary and preliminary way, to the scope and effect, as I see it, of three pertinent provisions in our Supreme Court Act and in the bill before us.

In section 36 of the act which this bill proposes to amend, there is a provision for an appeal as of right to the Supreme Court of Canada from the final judgment of the highest provincial court in any matter where the value of the judgment in question exceeds $10,000. The amendment proposed in this bill would also add the condition that the right to appeal, even if that dollar amount is satisfied, rests only as to a question of law.

Then we come to section 38 of the act, which provides the widest discretionary power in the court of last resort in the province to grant leave to appeal from a final judgment to the Supreme Court of Canada in any matter—regardless of the dollar amount, regardless of whether it is a question of law or a question of fact, or a question of mixed law and fact. The only point the Court of Appeal in the province must be satisfied on is that the question involved in the appeal is one that ought to be submitted to the Supreme Court of Canada for decision.

Then, with that very wide discretionary power, by leave, for getting a final judgment in a province before the Supreme Court of Canada, we also have section 41 of the Supreme Court Act. It provides that, with leave of the Supreme Court of Canada, an appeal lies from the final judgment of the highest court in the province, and that leave may be granted, whether or not it has been refused by the court of last resort in the province. You will notice it is very wide in its scope—as wide as it possibly could be. There are no limiting factors, except the discretion of the Supreme Court of Canada as to whether or not it will grant leave to appeal. There are no guidelines by way of having to meet a certain dollar amount or that it must be a question of law. There is the widest possible basis upon which leave to appeal can be granted.

As far as I have been concerned—if I may make a personal reference—in the many years when I seemed to do nothing but litigation, leave to appeal was not regarded as being derogatory, or as lessening the scope of the individual, or tending to defeat the purpose he was seeking to achieve. It was something which the law of the land, or the rules based on the law of the land, required. Therefore, you either fitted into them or you did not. If you did fit into them, you got leave; if you did not fit into them, you did not get leave.

Having outlined that as the basis for what we are now called upon to look at, and to send back to the committee for reconsideration, I would point out that it is suggested that by providing a dollar amount—that is, that there must be a judgment in controversy which exceeds $10,000 in amount before you have a right of appeal—we are changing the purpose of the Supreme Court of Canada. Indeed, the proponents of this must say not that we are changing, but that already the operation and purpose of the Supreme Court of Canada has been changed because this $10,000 condition was established in 1956.

In that connection let me say that there was a very considerable debate in the House of Commons, as can be discovered by reference to *Hansard* of that time, and these ques-

tions that are now being put forward as to the possible effect of the $10,000 condition were all discussed then. The amendment came to this house from the other place on August 8, 1956. I mention that date so that my friends will have a ready reference to the *Debates of the Senate*.

The then Leader of the Government in the Senate introduced the bill on first reading, and on second reading gave an explanation of its purpose. Several senators spoke in the debate, one of them being Senator Croll and another being myself. The speeches that were made at that time did not refer at all to the $10,000 condition. They referred only to some other aspect, namely, that there should have been something in the bill under which a person who had been convicted and sentenced to death—in other words, in capital cases—could have an appeal as of right to the Supreme Court of Canada from the court of last resort in a province. This is the point that Senator Croll raised and stressed. I think it was still fresh in his mind because there was at that time a joint committee of both houses that had been sitting for several years studying a list of subjects which included capital punishment, corporal punishment and lotteries. What a combination of things to put together! I think the reporters of those days referred to that committee as the committee on trap, strap and crap. This is what Senator Croll spoke about. Yet, the $10,000 condition was staring us right in the face.

I went to the trouble of checking *Hansard*, and I discovered that Senator Roebuck was in the house, but the $10,000 condition at that stage did not disturb him. I suggest for his consideration that if it did not disturb him at that time, and the Supreme Court of Canada has operated under that condition from 1956 to date with no apparent derogation of the rights of ordinary people to which he referred, then it may well be that this is a good working rule, and one that is not interfering with the rights of any person who thinks he has a matter that should be taken as far as the Supreme Court of Canada.

Such a person has a right to go to the Supreme Court of Canada, because if he is blocked on the question of the amount of money involved in the judgment, and is blocked on a question of law, he still has a choice as between the highest court in a province and the Supreme Court of Canada itself in respect of any reasonable ground that he can put forward as a basis for getting leave to appeal.

I am told that the number of applications for leave to appeal to the Supreme Court of Canada is increasing annually, and that about 20 per cent of the total applications—and in 1962 there were over a hundred—would be on the basis of the dollar amount of the judgment in controversy, and possibly 20 per cent of those applications for leave to appeal would be granted. I cite these figures to show that this sudden tempest that has blown up here—and which has provoked such comments as: "We have a rich man's court", "We should give the Supreme Court back to the people", "Everybody in Canada who feels himself aggrieved should have a well-defined and clear-cut path, with no obstacles whatsoever, to the Supreme Court of Canada", and "The character of the Supreme Court of Canada in being a court for the poor man or the ordinary citizen has been taken away"—is really a tempest over nothing. I say in all sincerity that if you study the performance of the Supreme Court of Canada since the limiting condition of $10,000 was established about thirteen years ago you cannot find support for that statement.

In addition, I say to you with all the sincerity I can command that the Supreme Court of Canada is not a poor man's court. Likewise, the Supreme Court of Canada is not a rich man's court. The Supreme Court of Canada is not an ordinary man's court. The Supreme Court of Canada, under the structural setup and constitution of the Government of Canada, is the court of last resort where there is a final opportunity for litigants to have their rights determined, and the procedures for getting to that court are provided.

You may say: "Litigants should be able to get to the last court just as easily and just as quickly as they can get to the first court". Now, let us take a look at that statement. A litigant who feels he is aggrieved by something—he may have a damage claim, or a breach of contract claim—can start his action in, for instance, the Supreme Court of Ontario. If the jurisdiction of the court is such as to allow it, and his claim is such that he can fit into that court, he can start his action, and have a trial in the trial division of the Supreme Court of Ontario. The judge at that trial sees the witnesses; he hears the evidence; he assesses the facts; he studies the credibility of the witnesses who are giving evidence; and then he writes a judgment either for or against the person who is instituting the action. The litigant who has failed to obtain a favourable judgment at the

trial may then appeal to the Court of Appeal for the Province of Ontario, and I have no doubt that there are similar procedures in all the other provinces of Canada.

That litigant then has another chance, but on this occasion he is limited to the evidence that was presented at the original trial. In the Court of Appeal he has the opportunity before three or five judges, depending upon the assessment by the court of the importance of the principles involved, to argue his case based upon the evidence, and that court may deal with matters of law or of fact or matters of mixed law and fact, and deliver a judgment.

At that stage the litigant who felt himself aggrieved originally has had two opportunities to present every fact that he possibly could present in his favour before either four or six judges in two different courts. If he wants to go further, then I think it is reasonable that there should be a differentiation between those things that are meritorious and those that are not. It has always been my opinion that a question of law is a meritorious ground for appeal, but as to questions of fact there may be situations and circumstances where there could be a fairer assessment, than the determination first made, and if so established, leave to appeal is granted.

Once the judge in the trial court, who has had the benefit of observing the witnesses and knowing how they presented their evidence, says that on the basis of the conduct of one witness in the box, and on the way in which he answered questions, I find him to be not a credible witness and, therefore, I prefer the testimony of another witness, then you have a finding of the trial judge. Once you get that kind of a finding in the trial division, then I have to say to you I do not know of any case in which an appellant has been able to upset such a judgment which turned in any way upon credibility of witnesses and the refusal of the trial judge to accept the evidence of one or two of the witnesses, even though that evidence might have supported the case for the appellant.

In those circumstances I say it is fair and reasonable that there should be some limit on these adventures in law, although, speaking as a lawyer, I think it is always very interesting and reasonably remunerative to find quite large numbers of people possessed of litigious instincts. With no further serious meritorious foundation than to give a man an appeal as of right solely on a question of fact where both courts before that in arriving at their judgments have found against the litigant on the basis of the facts, would be unjustified, and the most you could expect in those circumstances would be that he would have to get leave to appeal. Certainly, he is not circumscribed by the court of appeal of the province, if it found that the question involved in the case was one that ought to have judgment passed on it by the Supreme Court of Canada. The Supreme Court of Canada can offer any number of reasons, or simply grant leave without giving any reasons, and the number of cases in which they grant leave which have no relationship to the dollar amount of the judgment in controversy very substantially outweigh the number which are tied to the dollar amount in controversy.

That covers one phase. As to the other phase, what bothers me is the assumption made by these three senators that it is only the rich man who gets a judgment in excess of $10,000 and only the poor man who gets a judgment of under $10,000. That has not been my experience, and it is certainly a fallacy to assume that because the judgment is in excess of $10,000 the man who got it is a rich man, and that the man who got a judgment of less than $10,000 is a poor man. It is like trying to string apples and bananas together, to say that because I got a judgment in excess of $10,000 I am a rich man.

We know the difference in purchasing power of the dollar today and the attitude of juries in damage actions when trying to assess damages, whether there is a temporary impairment of earning capacity or a permanent impairment. They make their assessments of the amount the man is entitled to in compensation for damages of that nature, and of necessity their calculation of those damages is on a higher basis today than it was 20 years ago because of the increased cost of living, the increase in earnings, and so that people will have the purchasing power necessary to be able to live.

Today it cannot be said that a judgment in excess of $10,000 is a rich man's judgment. It may well be that the rich man gets the smaller judgment, while the person in ordinary circumstances who has suffered real injury, who has made quite an appeal to the jury, being dependent on his own mental and physical ability to earn his living, stirs the sympathy of the jury—I do not say unjustifiably so, but there would be that tendency—and that loss of earning power is replaced perhaps more generously by some money equivalent.

Having taken that position about these remarks to which I referred earlier, I should like to add that I do not say they were intended to, but they have the effect of dramatizing in a very grossly distorted way the picture of the poor man's court and the rich man's court, so that you have the poor man in his rags knocking on the door of the Supreme Court of Canada and being refused admittance, while the rich man has the door opened for him before he reaches the entrance and is welcomed and greeted favourably, all because he had a judgment in excess of $10,000 and the other was not fortunate enough to have one that high. This is basically a wrong approach in considering this question.

The question must be considered from the point of view that we have a system of law, that everyone is equal under the law and everyone has the same rights under the law. In the legislation we are now considering everyone has the same right; one is an absolute right of appeal and the other is a right of appeal with leave, for whatever ground he can urge, and if it is not meritorious he should not be granted leave, in my opinion.

Having said that, perhaps I should change to another point that I wanted to develop. Before doing so, I should like to say that Senator Roebuck seemed to feel that the condition adding a question of law as one of the conditions, the $10,000 condition, before you had a right of appeal to the Supreme Court of Canada was a limiting factor. Again I went back and looked at some of the things that Senator Roebuck and I had done together in this Senate.

I found that when we were reviewing the Criminal Code and creating a new one, which was introduced in the Senate and went to the Standing Committee on Banking and Commerce, we had a subcommittee on which Senator Roebuck was one of the hardest working members. We were very much in agreement on that committee. One of the provisions about which we agreed in connection with appeals in criminal cases under section 583 of the Criminal Code was:

> A person who is convicted by a trial court in proceedings by indictment may appeal to the court of appeal
>
> (a) against his conviction
>
> (i) on any ground of appeal that involves a question of law alone,

There is the question of law.

> (ii) on any ground of appeal that involves a question of fact alone or a question of mixed law and fact, with leave of the court of appeal or upon the certificate of the trial judge that the case is a proper case for appeal

The rest of it is unimportant.

Therefore, when we were dealing with the side of the administration of justice involving the freedom of the individual as against, as here, the civil side of appeals that may in some way affect the pocketbook of the individual but does not involve his freedom, we were satisfied—and I am still satisfied that we provided correctly in section 583 of the Criminal Code—to say that on a question of law there shall be a right of appeal; on a question of fact alone, mixed fact and law, appeal with leave of the court of appeal, or by certificate from the judge.

In addition to that, many of our federal statutes, such as the National Energy Act and others, provide for an appeal as of right from the decision of the board to the Supreme Court of Canada on a question of law. There is, therefore, nothing in adding the words "a question of law" as one of the conditions in section 36 that is aimed specifically at making it more difficult for the man of ordinary means to be able to embark on an appeal to the Supreme Court of Canada after he has had two chances to prove his case with a full dress performance in each court. A question of law provision, and the right in connection with that question of law, is something which seems to be well preserved and gives to the litigant, whoever is involved, a right where there is a question of law.

When you move along so far in litigation, then the limitations or conditions are in the area of questions of fact and mixed fact and law, yet the right is not absolutely taken away and the discretion of the court of appeal—in one case of the province and in the other case of the Supreme Court of Canada—is not fettered by any direction or guidelines. They can exercise their discretion; they can grant leave with or without reasons, and very often they simply grant leave. The combination of facts in the case may influence the court to exercise its discretion.

I feel that if I say any more on this part of the subject it might be repetitious.

Honourable senators, I wish to say a word about *habeas corpus*, as there seems to be some misunderstanding as to the scope and effect of it. *Habeas corpus* simply means, "Deliver up the body." If a person is in prison and it is felt that he is there unfairly and without jurisdiction, then, before 1965, one

could shop around among the trial judges, for instance in the Province of Ontario, and keep shopping until one would hope to find a judge who might grant the writ. All that meant was that on a certain day, at a certain hour and in a certain place, in say, the City of Toronto you, the sheriff, shall deliver the body and we will then inquire into the circumstances under which he has been detained.

However, if you could not find a judge who would give you that writ, then that was the end of the road as far as you were concerned. At that time, you had the alternative procedure, under the Supreme Court of Canada Act—which is being done away with now—that is, there was the original jurisdiction in the Supreme Court of Canada, where you could apply to a judge for a writ of habeas corpus.

Hon. Mr. Benidickson: Of that court.

Hon. Mr. Hayden: Of that court. If he refused, you had the right of appeal to the full court.

In 1965, in the Senate and in our committee—and there Senator Roebuck again was a very active and useful and intelligent participator in our deliberations—it was Senator Croll who finally proposed the section in the form in which we reported it and in which it eventually became the law of the land. We made a change in the law. Under it, if you apply to a trial judge in Ontario, for instance, for a writ of habeas corpus and he refuses, you can go to the court of appeal in Ontario. If the court of appeal in Ontario refuses, you may go to the Supreme Court of Canada. But if the judge in the first instance grants you the writ, then the person who is being detained is brought before the judge—if the judge decides in your favour, there is no further appeal, when he is deciding on the merits. If the judge decides against you, you may appeal to the court of appeal, and you may appeal to the Supreme Court of Canada.

In these circumstances, it was the consensus in the Department of Justice that no longer was there a need for that additional right that you could go to a Supreme Court of Canada judge. In at least one instance, I found myself in a case where the application a judge of the Supreme Court of Canada was refused, and I appealed. There were only a certain number of judges available at that time, and I might on the argument of the appeal I found that one of the judges was the judge who turned me down in my original application. It was either to consent at that stage to his sitting or face a long delay. So, I proceeded. I was still hoping I might get a majority of them in my favour, but I did not.

On consensus, looking at what this bill does to *habeas corpus*, I think it is definitely a tidying up. In view of the protection we have now provided in provincial legislation, if a person feels aggrieved and incarcerated, he is amply protected in the hearings of the appeals. There is no reason to have this additional resort as of right to a judge of the Supreme Court of Canada. I think the change, therefore, is a wise one.

Honourable senators, I have only one other point to add—and this may sound an anticlimax. Senator Roebuck complained of the cost, when one argues leave to appeal in the Supreme Court of Canada, the cost of going to Ottawa, and the cost of all proceedings in the Supreme Court of Canada, but mainly because of the tremendous cost of printing.

I understand that now, under the rules in the Supreme Court of Canada, reproduction by stencil or Xerox is accepted. I understand that the case and the factum do not have to be printed, in the sense of type being set by a printer for the purpose of a reproduction. Furthermore, I am informed by the Registrar that the court frequently accepts the evidence in whatever form it may have been reproduced for purposes of the provincial court of appeal.

Honourable senators, before I sit down I should point out that there is provision in the rules of the Supreme Court of Canada under which, in an appropriate case, and if the person meets these conditions, he may appeal *in forma pauperis* and therefore these costs, which might ordinarily be saddled on him, are not saddled on him.

Hon. Mr. Roebuck: I move the adjournment of the debate.

The Hon. the Speaker: On Thursday last I brought to the attention of honourable senators the provisions of Rule 36 which clearly, in my view, indicates that the mover of an amendment has no right to reply or to move the adjournment.

Now, I say again, as I said before, I am in the hands of honourable senators. But before coming to a final decision, I would like to hear from some honourable senators who may wish to speak on the point I have raised.

Hon. Mr. Choquette: I am inclined to agree with your honour. We have heard a very lengthy debate. We have heard the lengthy

speech by honourable Senator Roebuck—sincere, as always. We have heard the able explanation given by the sponsor of the bill, a great jurist. I think everyone would agree with that.

I do not see any need to continue. This could go on indefinitely. Those who have already spoken may wish to reply to Senator Roebuck, and may do so. I am inclined to agree with Your Honour, and say that honourable Senator Roebuck should not be entitled to adjourn this debate.

The Hon. the Speaker: I do not think I was well understood. The honourable Senator Roebuck has just moved the adjournment of the debate.

If honourable Senator Roebuck wishes to reply to the arguments of those who have spoken on his amendment, I would ask honourable senators, if, by leave, they will permit him to reply. Is it agreed?

Hon. Mr. Roebuck: I think the rule to which Your Honour has referred relates to a substantive motion, and it is a substantive motion, to refer this report back to the committee.

I do not want a right given to me by charity of my friends in the Senate. If I have not the right to make a speech in reply—and, goodness knows, there is enough said to which to reply—that ends it. I submit I have the right to reply.

The Hon. the Speaker: Honourable senators, I should like to make the position clear. We have had the motion from the honourable Senator Roebuck to adjourn the debate. That motion is now before the chamber, and I shall put the question.

It is moved by the honourable senator—

Hon. Mr. Roebuck: Oh, no, your honour. If I have the right, well and good. If I have not the right to make a speech in reply, then I have no desire to adjourn this debate. What would be the purpose in adjourning the debate if later on your ruling is that I have not the right to speak?

The Hon. the Speaker: I thought I was being precise when I asked honourable senators if they agreed that the honourable Senator Roebuck has a right to reply at this time, and if it was agreed—

Some Hon. Senators: No.

Hon. Mr. Choquette: I did not agree. I certainly expressed the opinion that the honourable senator was not entitled to do so.

Hon. J. Harper Prowse: Honourable senators, may I suggest with respect that if the motion made by the honourable Senator Roebuck be considered as a substitute motion for the original motion to adopt the report and is considered under those circumstances, then, as a substantive motion, he would at this time or whenever we get round to it, have a right which is accorded to a senator who moves a substantive motion of replying at the end, that is, closing the debate with his reply.

If, on the other hand, His Honour rules that this is not that type of motion but is an amendment, then we will at some stage of the proceedings vote on the amendment, and if the amendment is lost there can be further debate on the main motion. But Senator Roebuck, having already spoken on the main motion in order to move his substitute motion, would not then, of course, be entitled to speak twice.

I think, with respect, that whether or not he is entitled to speak ought not to depend on our being asked to extend our indulgence in order to vary a rule but ought to depend on the determination by the Chair as to what kind of motion we now have in front of us. Clearly, then, he either has a right to speak or he has not.

Hon. David Walker: Honourable senators, by the Rules, page 2, section 4, subsection (b), a "substantive motion" is defined as a "motion not incidental to a proceeding before the Senate, nor relating to and arising out of an Order of the Day".

Obviously, this is not a substantive motion.

Section 36, at page 17 of the Rules, provides:

> A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment, the previous question, an adjournment during a debate, a motion on the consideration of Commons' amendments, or an instruction to a committee.

Therefore, since this is not a substantive motion but is an amendment, my honourable friend Senator Roebuck has no right of reply and Your Honour is perfectly right in so ruling.

Hon. Malcolm Hollett: I do not want to say much, but I do say that, since we are talking about justice in the courts, if Senator Roebuck is being denied the right to reply because of that rule, then I say there is no

justice in the Senate. I feel that we as a Senate should in some way or other get round that miserable rule and let Senator Roebuck reply, if there is any doubt about it.

Hon. David A. Croll: Honourable senators, I can take the adjournment very easily and speak to it, but I do not think anything is to be gained by that. We have heard some excellent speeches, but it strikes me that something new has crept into the debate. In my many years of experience in this house there has been a tradition that senatorial courtesy should be extended to any senator who has requested it under circumstances in which he is not filibustering or delaying, neither of which is true in this case.

Here is the greatest forum that we have in this country. It is the freest forum in which a senator may say something on a question involving liberty, and yet we senators, or some of the senators here, say that we ought not to hear him further because of a rule that we interpret strictly in a way that denies him the privilege. I think this is a mistake. I think the Senate ought to hear Senator Roebuck in order to clear the air once for all. Otherwise, we will face a vote here, and we will divide on a question we ought not to divide on at all. That is the only alternative. I think the Senate should support this amendment and return the report to the commitee.

Hon. Gunnar S. Thorvaldson: I take it that we are speaking to a point of order. I rise only because of a statement made by the honourable Senator Croll with which I disagree most heartily.

I say that any legislative body that does not abide by its rules cannot be an effective legislative body. Think of what would or could happen in the other place, if his theory were valid, that at any time a majority could break the rules of debate and extend a debate indefinitely which otherwise could not be extended. A majority government in the other place, for instance could become a dictatorship in a very short time, if that majority were able to decide that just because somebody wanted to speak he should be allowed to speak without reference to the rules of debate. In such a case where would you go in a body such as the other place? The same thing applies to this place. This is a legislative chamber. I have always been convinced that we must abide by the rules.

Personally, I would be quite satisfied to allow Senator Roebuck the opportunity of replying, but, Mr. Speaker, section 36 has been put on the record by honourable Senator Walker, who also referred to the definition of a "substantive motion". It is clear to me that this is not a substantive motion, according to the definition in the rules. Consequently, with due respect to my colleague Senator Hollett, I must say that in my view, if we ever adopted a precedent of changing the rules, in a way such as is suggested in this debate, this body would be going downhill and would lose its effectiveness as a democratic assembly.

Hon. Mr. Roebuck: I think I made it perfectly clear that I do not want indulgence.

Hon. Mr. Walker: Good.

Hon. Mr. Roebuck: It is usually given under such circumstances, but I do not want it. If I have not the right to speak, and Your Honour so rules, that ends it. I think it is up to you, Sir, to make the ruling.

Hon. Mr. Walker: Your Honour, let it not be said that the honourable senator has been gagged. He has talked and talked and talked on this.

Hon. Mr. Roebuck: I have not said I was gagged.

Hon. Mr. Walker: He has talked at length on this.

Hon. Mr. Roebuck: I never said I was gagged.

Hon. Mr. Walker: And you could not change him no matter what happened, under any circumstances or at any time.

Hon. Mr. Croll: You are no judge of that. You are the last one to speak about changing. You have not changed for fifty years.

Hon. Mr. Walker: You are holier than thou, you "Gold Dust Twins". You ought to be ashamed of yourselves.

Hon. Mr. Prowse: Honourable senators, with respect, may we please have some consideration for the sensibilities of the very fine old gentleman who happens to be the centre of this controversy? There are other means by which he could be provided with an opportunity of replying.

Hon. Alan Macnaughton: Honourable senators, Mr. Speaker, I agree with the interpretation of the honourable Senator Walker under section 36, but if honourable senators would look at Part I, paragraph 1, "Procedure in unprovided cases", and then at paragraph 2, "No implied restrictions on Senate", I do

believe they would see that it is within our authority, power and jurisdiction to grant this easing of the rules in this peculiar and particular circumstance, if honourable senators were to so decide.

Hon. Mr. Croll: What page?

Hon. Mr. Macnaughton: Page 1.

Hon. Mr. Martin: Will the honourable senator specify what he has in mind, other than rule 36? He has referred to page 1. What are the sections to which he directs our attention?

Hon. Mr. Macnaughton: Paragraph 1 reads:

> In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Lords House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof.

Paragraph 2:

> Except so far as is expressly provided, these Rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.

Therefore, it is within our power, authority and jurisdiction to grant this request, if honourable senators so desire.

Hon. Mr. Benidickson: As seconder of the amendment to the motion may I say a few words. I do not think it matters very much, with respect to this point of order, whether or not the honourable Senator Roebuck has a right to reply. Maybe he has not, but the amendment to the motion is to the effect that we have a rehearing of the main problem in the Committee on Banking and Commerce.

Now, I have no complaint against the chairman or the members of the committee who attended last week's sitting. I have always admired the expeditious way in which the chairman has carried on the business of his committee. It is not laggard and we get our business done. The chairman always knows the contents of the bill and advises about it. As it happened, the movers of this amendment, Senator Roebuck and I, were not at the meeting though we are members of that committee and should have been there. However, I seconded Senator Roebuck's amendment to have this referral because I was tremendously impressed by the speech he presented last Thursday when he involved items of human liberty, *habeas corpus* and other matters that this body should consider.

I do not think we are so busy that we cannot have another meeting on this legislation. I was engaged on Thursday at 9.30 a.m., and when I arrived at 10 o'clock I found that the meeting had concluded. As I say, I admire the way in which the committee usually conducts its business, but when elements are raised as important as *habeas corpus* and human liberties, which have been raised by eminent and respected senators such as Senator Roebuck, Senator Prowse and the honoured Whip of the Opposition (Honourable Mr. Macdonald, Cape Breton), I say that we are a chamber which takes a second look, and I think that we have time to accept this motion and to let the Banking and Commerce Committee invite the Minister to attend, with all respect to Mr. Christie, the Assistant Deputy Minister.

I have read the evidence and was very impressed with what the sponsor of this bill said in the first instance and again yesterday, but I think a short informal sitting of the committee again, as the amendment proposes, would help us to make some progress and surely, honourable senators, we have time for that.

The Hon. the Speaker: Honourable Senators, having the duty to preside over the deliberations of this chamber and being bound by the rules which govern our deliberations, I must reply as to what I believe in this case to be Rule 36.

Unless there are other honourable senators who wish to speak on the amendment, or unless, by leave, unanimous consent is given to Senator Roebuck to speak, I shall put the motion.

Hon. Mr. Hollett: May I point out that on page 16, Rule 30 states:

> Notice waived by consent.
>
> Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated.

Now, we may get unanimous consent to have this particular rule suspended, but I hardly think so. However, there must be some way out of this. If you are going to refuse to let a man speak, then there is no justice.

The Hon. the Speaker: I come back to my previous suggestion, that unless there is

unanimous consent, I must abide by the rule. Is there unanimous consent?

Some Hon. Senators: No.

Hon. Mr. Benidickson: On a point of order. In regard to the remarks I made, which I believe used up my time, my point was that by accepting the amendment to this motion Senator Roebuck would have another "day in court" in committee and, in addition, we could hear from him on the main motion on third reading of the bill.

Hon. Mr. Roebuck: You will.

Hon. Mr. Benidickson: I know we will, and I admire him for his determination.

On the point of order, Mr. Speaker, I am not making another speech, but I do suggest to the Senate that on the basis of the courtesy that Senator Croll referred to, that has very seldom been denied. Three or four senators have asked in their formal speeches on this motion that we have a reassembly of the Banking and Commerce Committee. Mr. Speaker, my point is that that is another forum for another opportunity.

The Hon. the Speaker: May I say, honourable senators, that the point of order just raised by honourable Senator Benidickson is in fact the substance of the amendment which has been put by honourable Senator Roebuck; therefore I shall repeat the main motion and also the motion in amendment.

It is moved by the honourable Senator Phillips (Rigaud), seconded by the honourable Senator Hastings, that the report of the Standing Committee on Banking and Commerce respecting Bill S-8, an act to amend the Supreme Court, now be adopted. In amendment it is moved by the honourable Senator Roebuck, seconded by the honourable Senator Benidickson, that this report be not now adopted but that it be referred back to the Standing Committee on Banking and Commerce for further consideration and report.

Is it your pleasure, honourable senators, to adopt this motion in amendment?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, as there is in my mind uncertainty as to agreement, I am going to ask those who are in favour of the motion in amendment to please say "content."

Some Hon. Senators: Content.

The Hon. the Speaker: Those who are against the motion in amendment will please say "non-content."

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion the non-contents have it.

Senators Benidickson, Prowse and Croll rose.

The Hon. the Speaker: Since two or more honourable senators have risen in their places, call in the senators.

Amendment of Hon. Mr. Roebuck negatived on the following division:

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The Hon. the Speaker: I declare the amendment lost.

It is moved by the honourable Senator Phillips (Rigaud) seconded by the honourable Senator Hastings that the report of the Standing Committee on Banking and Commerce respecting Bill S-8, intituled an act to amend

the Supreme Court Act, be now adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Prowse: Honourable senators, it is not my intention to impose upon you for any length of time, but I would like to say just a few words with respect to clauses 1 and 2 of the bill, which are included in the report.

Everything that has been said about all of the different things that can be done, and the fact that the approaches to the court are limited, are perfectly true. But the simple fact remains that if this report is adopted, access to the court will be limited. Whereas, at the present time there is a right, where certain sums of money are involved, for anyone who feels himself aggrieved by a decision at the local level—whether he is a plaintiff or a defendant, whether he has been upset or supported on appeal—to go on, as a matter of simple right to the Supreme Court on any question he feels ought to be adjudicated upon by that court, whether it be on a question of law, on a question of fact, or on a question of mixed fact and law.

I think lawyers will agree with me when I say that once you have established the facts, it is very seldom that anyone has any trouble deciding the law that should be applied to those facts. The big problems and the bases of nearly all judicial decisions are, first, the ascertainment of the facts; and then the area where you have mixed fact and law, and it is difficult to tell which ought to take precedence, or which is which. These are the areas where it is very often desirable that there should be an appeal.

It is true, as has been stated, that under section 41 you can still apply to the court and go there with leave. But to obtain leave, particularly where smaller sums are involved and costs are important, imposes a double appearance before the court, which will double the costs for those living outside of Ottawa, who have to come here twice. It does not necessarily double the costs of printing, but the fees and other costs are doubled. In other words, it makes justice that much more difficult to achieve and that much more expensive. It may not affect many cases, but it is a spectre facing every person who feels that he has a right to be heard and to receive justice.

The fact that in this chamber twenty-four senators were concerned enough to support the amendment that we had before us, surely ought to be evidence that in other places people who have not had the experience we here have had are certainly going to feel that these hazards placed in the way of getting to the Supreme Court of Canada are not going to do our image of justice any good. I do not want to cast aspersions on anyone. I am talking about the image of justice and the image of the availability of justice.

Section 39 of the Supreme Court Act deals with those cases where there is either a confused or unsettled question of law to be dealt with, and the opposing lawyers are agreed that this is an unsettled area of law. It provides that they should go to trial to establish their facts and to get a ruling from the judge. Then, it may be an instance where there are conflicting decisions of their provincial Appeal Court on some point of law, and they would like to have the matter clarified. It may be a point the provincial courts have not ruled on at all, or there may be conflicting decisions in the courts and the matter has never been clarified by the Supreme Court. It may be a matter on which no one has yet rendered a decision.

Everyone agrees, and every lawyer knows, that often a case arises which involves a matter that ought to be settled by the Supreme Court in order to clarify the law. This recourse used to be available where the amount in issue was only $2,000. It may be that someone decided to take the case and test it, there being only a small amount involved, for the very simple reason that the smaller the amount in controversy the smaller the fees and the smaller the costs. Then, by agreement, they could escape the double cost of going to the provincial Supreme Court, and the repetition of costs in going to the Supreme Court of Canada. With leave of the Supreme Court of the province they can go directly to the Supreme Court of Canada and, therefore, reach their objective with two-thirds of the costs and two-thirds of the legal fees that would be involved in going through the whole procedure.

We now say that this recourse is only available provided the sum involved is over a certain amount. This puts a terrible temptation in the way of a lawyer who now finds himself with this kind of case. He might feel that in all probability, say, $5,000 is the reasonable amount to ask for by way of damages, but that he had better ask for $15,000 so that he will have the right to go to the Supreme Court of Canada. In other words, this kind of thing perverts the course of justice and does not help it.

Hon. Mr. Choquette: I would not want the honourable senator to induce us in error. You can ask for $100,000, but it is the amount that you are awarded by either a jury or the court that decides whether you achieve the limit. It is not what you ask for, but what you obtain by way of judgment in the first instance.

Hon. Mr. Prowse: Well, that may be, but if you ask for enough you may be able to get there too. Certainly, I know that when they raised the original limits of the jurisdiction of the District Court in Alberta they automatically raised what had been the lower limits of damages asked for in civil actions in the province. But the fact remains that regardless of how good the system may be, these two sections mean that some Canadians over the next few years, who might feel strongly enough about the rightness of their case and who want to have it adjudicated upon and determined by the Supreme Court of Canada, will be barred from that court by the action we are taking; and that is an action which I, for one, am not prepared to accept.

Motion agreed to and report adopted, on division.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for third reading on Tuesday next.

Motion agreed to.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE ADJOURNED

On the order:

> Resuming the debate on the motion of the honourable Senator Croll, seconded by the honourable Senator Roebuck, that a Special Committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada—(Hon. Senator Belisle).

Hon. Rheal Belisle: Stand.

Hon. Paul Martin: Honourable senators, is there no hope of our proceeding with this order? Many senators wish to speak in this debate, and it is now only a quarter to five. It was my understanding that we had decided not to resume this debate yesterday because there was no time available, and that Senator Belisle was prepared to go on today.

Hon. Mr. Choquette: If there are other honourable senators who wish to speak now, then we will yield.

Hon. Mr. Belisle: Honourable senators, I am willing to yield at the request of the honourable Leader of the Government (Hon. Mr. Martin), but having regard to what he said yesterday I thought I would have an audience. Knowing that I will be more than a half or three-quarters of an hour, I rather doubt whether there will be many members in the chamber—

Hon. Mr. Croll: It is the prerogative of His Honour the Speaker to adjourn the house.

Hon. Mr. Martin: The honourable Leader of the Opposition (Hon. Mr. Flynn) did suggest that there was no disposition not to proceed with this debate, but that Senator Belisle preferred not to go on at this time. If there is another honourable senator who wishes to proceed—

Hon. Mr. Belisle: I will go on now.

Honourable senators, in rising to take part in this very important debate on poverty, I do so because I consider the subject to be one of prime importance. If our society and our present institutions are to survive the crises of our time, then we must do something about poverty. This problem has always been with us, and we must face the fact that poverty in Canada is real. As described by the honourable sponsor of the motion (Hon. Mr. Croll), its numbers are not in the thousands but in the millions. There is more poverty than our society should tolerate, more than our economy can afford, and far more than our existing measures and efforts can cope with. In my belief, its persistence, at a time when the bulk of Canadians enjoy one of the highest standards of living in the world, is a downright disgrace.

I endorse Senator Croll's suggestion that a committee should be appointed to investigate and to hear those who have seen it, felt it, and experienced it, whether as its victims or as those trying to do something about it. Such witnesses can supply this committee with the truth. There are not two solutions for it, because one reason for poverty's partial invisibility is that the poor tend to be collectively inarticulate. Many of them lack the education, the will, and the organization to make themselves heard. Most of them are outside the ranks of the trade unions. They have few spokesmen and groups to represent them and give voice to their needs.

Another difficulty is that it is all too easy in Canada to file poverty away under the heading of certain other long-standing national problems, and in this way to lose sight of it as a major problem in its own right. Thus many Canadians may assume that the problem of poverty is identical with the problem of low average incomes in the Atlantic provinces and eastern Quebec. The incidence of poverty, and the chance of a given person being poor, is certainly much higher in these areas and among such groups just mentioned. But in terms of absolute numbers, between a third and a half of the total poverty in Canada is to be found among the Indians and the white population of cities and towns west of Three Rivers, as mentioned in the Fifth Annual Review of the Economic Council of Canada.

There are two major problems in defining poverty. First, it is a relative concept. Second, while the availability of relevant statistics compels it to be discussed here largely in terms of low incomes, it means something more than simple income deficiency. It is true of course, that generally agreed upon concepts of poverty alter through space and time. Thus, the situation of those Canadians whom the majority of their fellow citizens would deem to be suffering from poverty is hardly to be compared with that of those of Biafra or India, and if a typical 1968 "poverty line" defined in terms of real income were extended back through time, most Canadians during the depression of the 1930s, and perhaps even most Canadians of the 1920s, would be found to have been living below that line.

But neither of these facts makes poverty in Canada in 1968 any less real or painful. To feel poverty is, among other things, to feel oneself an unwilling outsider—a virtual nonparticipant in the society in which one lives. The problem of poverty in developed industrial societies is increasingly viewed, not as a sheer lack of essentials to sustain life but as an insufficient access to certain goods, services and conditions of life which are available to everyone else and which have come to be accepted as basic to a decent minimum standard of living.

I know that here in Canada we have started on some extremely promising developments, and I do not wish to build an overoptimistic picture nor to suggest that much further experimentation and improvements are not required. But it is undoubtedly the case that the prospects for mounting a powerfully renewed offensive against poverty with clear performance criteria and appropriate feedbacks of information on actual results obtained should force the Senate into greater participation, and thus establish a special committee to deal with all those aspects.

Poverty, thus defined, is not quite the same thing as low income. A statistician would say there is a very strong association between the two, to the extent that one can often be used as a rough and ready substitute for the other. They are not, however, identical. For example, the low-income population of Canada includes a small proportion of people such as the university student who gets by on $1,500 a year, but does not feel himself irrevocably poverty stricken, first, because he has a family to fall back on if necessary, and, second, because much better income prospects lie a short distance ahead of him. Much more serious and widespread is the kind of low income situation which carries with it a sense of entrapment and hopelessness. Even the best statistics can only hint at this. They cannot capture the sour atmosphere of poor health and bad housing—the accumulated defeat, alienation, and despair which often so tragically are inherited by the next and succeeding generations.

I believe that serious poverty should be eliminated in Canada, and that this should be designated as a major national goal. I believe this for two reasons. Firstly, Canada, as one of the wealthiest societies in world history, cannot avoid setting itself such a goal if it aspires to be a just society. Secondly, poverty is costly. Its most grievous costs are those felt directly by the poor themselves, but it also imposes very large costs on the rest of society.

They include the costs of low productivity and lost output, of controlling the social tensions and unrest associated with gross inequality, and of that part of total welfare expenditure which is essentially a palliative made necessary by the failure to find more fundamental solutions.

It has been estimated in the United States that one poor man can cost the public purse as much as $140,000 between the ages of 17 and 57. It should also be noted that in recent years there has been a burst of improvement in the available weaponry against poverty. Not only have new weapons been devised or proposed, but there has also been a development of techniques of evaluation by which the effectiveness of both old and new weapons can be assessed and enhanced. Much of this improvement has occurred since the United States Government declared formal

war on poverty with its Economic Opportunity Act of 1964.

The term "war on poverty" is appropriate in more than one sense, for ironically enough some of the techniques of policy planning and evaluation now being applied in the field of poverty originated within the military and defence planning establishments.

Where a low income family is, for one reason or another, incapable of offering labour services and is therefore largely dependent on government payments, the policy problem of how to aid that family is in one sense relatively simple: the major issue is the size of the income to be provided. But where there are earnings on an insufficient scale, or where there is an unexploited potential for earnings, the policy choices are less simple. Other things being equal, it is far better to help people to help themselves, to put them in a position to upgrade their earnings permanently, through such measures as training and manpower mobility programs, and to exploit unused earnings potential, provided this does not involve a sacrifice of future to present earnings as in the case of the youth who drops out of high school to augment family income. But self-help takes time, and meanwhile income support in the form of government payments may be needed. It seems a fair generalization that in the past Canadian social policy has tended to emphasize various forms of income maintenance and has only recently moved strongly into the more difficult area of promoting self-help among low-income people.

A more concerted and purposeful attack on poverty in Canada is now urgently required. Such an attack would not only benefit those low-income families whose needs now are inadequately met, but would also bring substantial benefits to all Canadians. The challenge in the short run is to alleviate the conditions which today thrust many Canadian families and individuals into involuntary poverty and hold them there. In the long run the challenge is to prevent the development of these conditions. The aim must be to identify those measures that will meet this challenge effectively and economically, but also compassionately, taking care to preserve the human dignity and freedoms which our society cherishes.

The early forecasts of impending unemployment and serious under-employment accompanying the introduction of automation in western industrial nations has not been borne out in practice. The more optimistic social and economic observers have concluded from this experience, particularly during the 1960s, that the fears once held for the impact of automation upon employment were groundless. Nothing could be further from the truth.

In this society in which industrial processes are increasingly automated it may be that work will more and more become a privilege rather than a right, and the whole question of providing a sufficiency of income will assume far greater importance than in the past 20 years. We hear more and more about such concepts as "guaranteed annual income" and the "negative income tax". It must be emphasized that all these concepts require the identification and adoption of a level of living appropriate to an individual or a family in our society.

The question of financing such income policies is equally a matter of raising the revenues and determining the standard of living below which we would not wish a family to fall. Taxation policies may make it more difficult to obtain the underlying social objective of a modest but adequate standard for all citizens.

The Canadian-born Harvard economist, John K. Galbraith, has argued that our affluent society has a responsibility to see that as many of its members as possible can not only survive but can live decently and with dignity. Our difficulty in accepting a radical concept like the guaranteed annual income is a further reflection of the problem that all of us have faced through the nearly 25 year since the end of the Second World War, the fact that we live in a radical economic technology in which social technology is distinguished by its conservatism rather than its radicalism.

Automation does not give youth individual hope; they feel that all they are is a cog in a huge machine that they cannot comprehend. Now the emphasis is on the fact that computers provide us with solutions. The personality of the individual, however, is neglected and he cannot find a place in the increasing automated society. In all our problems of society we are really avoiding moral issues.

Canada's 28th Parliament opened on September 12 with a huge backlog of problems besetting Canada. These include an alarming housing crisis, rising prices, high unemployment, crowded and polluted cities, widespread poverty and a widening gap between rich and poor.

In the midst of apparent affluence and prosperity, the Canadian mood may have been disclosed by survey results published September 5, 1968, by the Canadian Institute

of Public Opinion. They found that most Canadians thought that peace of mind and happiness were worsening rather than improving. Also worsening were honesty, religion and morals. The pollsters found similar opinions in France, Britain and the United States.

In all our problems of society we are avoiding moral issues. Why are we avoiding moral responsibilities? Have we now come to the conclusion that only material and linguistic problems are important to build a "just society"? It is my opinion that we are missing the boat by searching for avenues which will solve problems on a materialistic and social basis alone. We are telling our youth and all those who are dissatisfied with our community, or with the establishment, that even we are not convinced of the merits of our faith in our institutions.

The idealism and enthusiasm which is typical of youth during the high school and university periods finds it hard to adapt to the realities of a world in which conditions are far from ideal. The student sees around him pockets of squalor and misery in every community, whether it be urban or rural. He sees unemployment and undernourishment in a country which should have neither. He sees and talks and reads about the affluent society, but also he sees so many thousands of people whom the "affluence" has passed by. On the international scene, he is disgusted with the situation in Nigeria and the poor response of the Christian countries to assist Biafra. He is aware of the continuing horrors of the foreign war in Vietnam. All of these things, regardless of justifications made for them, make a mockery of our profession of Christian idealism. He sees the continuing battle between management and labour in which a few men, whether it be on the side of management or on the side of labour, by their actions and decisions can tie up and adversely affect the welfare of a nation of 20 million or 200 million.

When you see the picture from the student's viewpoint, it is small wonder that he becomes disillusioned with the results of our democratic society, empty of moral content, whose roots are supposed to be nurtured in the halls of learning.

Some honourable senators may well ask what students have to do with poverty. Those of us who know university students realize that unless we find solutions for the disparity between the rich and poor, between the haves and the have nots, unless we find answers which will be at the basis of this climate of unrest, we may not have too many years left to save our establishment, because if the youth join hands with the poor and those who are ununionized in misery and dissatisfaction, the consequences will be terrible for our society.

If we, as legislators or lawmakers, are not responsive to the needs of society, to our crying poor, and those who are receiving very little from our affluent society, and if we cannot find machinery through which it can accommodate and care more generously for them, then in a rapidly changing world social and political reforms will be accomplished by violence and revolution.

I hope that you will not think that I am preaching revolution. What I am suggesting is that, while there is a good employment level in Canada, we should direct most of what is happening, and most of the constructive potential that is bursting, before it is subverted by the radical whose objectives bear no relationship to democracy.

It has been said many times that we Canadians are the most fortunate people on this earth. It is true that ours is not quite a "just society". There is no magic solution to our problems, but the solution and the salvation of our society can be found if we work together, if we have enough faith in our institutions, if we do not entrench our minds in prejudices and if we develop our Christian values to open our minds to legitimate progress in the distribution of our assets.

Honourable senators, I listened with great interest to the eloquent plea made by the honourable Senator Phillips in his address on the Throne Speech, in which he asked all of us Canadians to look beyong material means in trying to discharge our responsibilities, so that we could have a more orderly development in a peaceful state. I quote his remarks:

> When guests, both invited and uninvited, assemble at the dinner table there is a greater likelihood that appetite will be satisfied and thirst assuaged if there is food and water on the table. No high moral or ethical principles by way of economic dissertation will mean much if the dinner table is bare.

Honourable senators, unless we find a solution, to see that bread and water is placed on the table of over four million Canadians, their opinions of the establishment will not change very much.

We Canadians can scarcely boast of the vast resources with which Divine Providence blessed our country, if a substantial propor-

tion of our fellow-citizens spend their lives in the shadow of poverty and despair and moral degradation.

Hon. Muriel McQ. Fergusson: Honourable senators, I rise to support the motion of the honourable Senator Croll that a Special Committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

As this is the first time I have spoken in this chamber during the present session, I take the occasion to congratulate our new Speaker, who gave us such clear and concise explanations of the Estimates during the last session, when he was Deputy Government Leader. He won the admiration of all of us who were privileged to listen to him. He certainly has my best wishes in his new office. My good wishes also go to the new Leader of the Government, Senator Martin, whose career I and many thousands of others throughout Canada have followed and are still following with great admiration. We are fortunate to have such an outstanding Canadian as Government Leader in the Senate. His presence adds prestige and lustre to this chamber.

I also wish to welcome all new senators and to congratulate the mover and seconder of the Address in reply to the Speech from the Throne. All of those I have mentioned are on the Government side of this chamber, but I would not wish to neglect our good friends on the other side, and I sincerely say that I am delighted we have with us, obviously in top form, the Leader of the Opposition (Hon. Mr. Flynn). We are also glad to see his friendly Deputy Leader, Senator Choquette.

All honourable senators, I am sure, have been concerned over the existence of poverty in Canada, which has received so much attention from the Canadian Welfare Council, the Economic Council of Canada and other organizations, as well as from the press.

Statistics quoted by these groups show that a large minority of the Canadian people are living in poverty, and we know too that there are many others suffering from poverty who are not shown in any statistics.

Many senators, no doubt, have been searching, as I have been, for some solution to this problem, through reading the results of studies carried on and books written on this subject in Canada and also through reading the valuable and pertinent studies and books on this same subject which have appeared in the United States of America, where poverty is considered one of the outstanding problems of the day.

As Senator Croll has pointed out, the Economic Council of Canada, in its Fifth Annual Report, on pages 136 and 137, has suggested that the Senate of Canada might consider the advisability of creating a special committee to inquire into the problem of poverty in Canada. Senator Croll has accepted this challenge by making the motion now before us, for which we owe him our thanks and our support. Because Senator Croll is a great humanitarian and has exhibited all through his life interest in the welfare of all Canadians, it is appropriate that he was the one among us to react so promptly to this challenge.

All studies on this subject seem to find difficulty in defining poverty. As the Fifth Annual Report of the Economic Council points out, poverty is a relative term and generally agreed-upon concepts alter through time.

I can remember that in the town where I lived in my early youth, at a certain time every year a meeting was held at which provision was made for the poor, for those of the community who could not maintain themselves and for whom the municipality had a responsibility. At this meeting a form of bidding took place and the person who agreed to provide food, clothing and shelter for the least amount for an indigent person took that person into his or her home for the coming year. If the indigent were able to do some work such as sewing or gardening or chopping wood, the bidder would offer to keep him or her at a lower rate than would be offered for someone unable to make such a contribution. This impressed me very much when I was young, and my father, who was a great humanitarian, would come home on the day that this took place and there would really be gloom in our home because we felt that this was a dreadful thing to be happening. It impressed me as a very terrible system. It may not have been widespread, but I know it existed in some communities at one time. People with no means of support in Canada, people who are poor, are not now subject to such indignities, nor have they been for many years.

Even though in meeting their obligations our governments nowadays provide, in better style, the basic necessities of food, clothing and shelter for those dependent on public support, changing ideas and concepts have made us all, including those who are themselves suffering from poverty, realize that every human being is entitled to more than a bare existence.

Nowadays the modern concept of those living in poverty not only includes those who cannot provide for the basic necessities of life for themselves and their families but also includes those and their families who are denied the minimal levels of health, housing, food and education which our present technological and scientific knowledge should make available to everyone in this country.

I cannot entirely agree with Senator Croll when he referred to our present welfare programs as a "hodgepodge of gaps, inadequacies and inequalities". There are many such gaps and inadequacies and I am sure a study by a special committee of this house would pinpoint them and would show how these gaps and inadequacies might be overcome. Nevertheless, I believe that much of our present social legislation is valuable and should be retained, perhaps with some changes and modifications.

Old Age Security, the Guaranteed Income Supplement which I believe is an outcome of the study on aging by a former special committee of this house, and Family Allowances, are parts of our social legislation which have done much for the people of Canada. They have also done much to maintain income and, incidentally, to maintain purchasing power in Canada. Without them I firmly believe poverty would be a much worse problem here than it is today. Not only have they provided income maintenance but they have given great happiness and added dignity to many older citizens and to many mothers of young children.

Some Hon. Senators: Hear, hear.

Hon. Mrs. Fergusson: Perhaps honourable senators will forgive me if I refer briefly to my own experiences in connection with two of these acts.

For several years, as Director of Old Age Security in my Province of New Brunswick, I had many opportunities to come to a realization of how much that pension means to those who make up the majority of older people in this country. Prior to the introduction of the Old Age Security Pension, many older people were reluctantly provided with shelter, clothing and food by members of their families, who did not hesitate to let them realize they were a burden. These same older people, when they became the recipients of that pension, small as it may seem to many honourable senators, were, through that pension, able to contribute to their own maintenance. They even found that they became welcome members of the family and were actually sought after. This pension has greatly changed the attitude toward older people in many parts of Canada.

My responsibilities also included the administration of Family Allowances for my province. I know that, owing to Family Allowances, very many children in my province are healthier, better fed and better clothed and are able to attend school more regularly than they would have been without the allowance. Because of that small additional allowance, parents can now provide proper food, clothing and other necessities for their children which, without the allowance, many of them would be unable to secure even with the best will in the world.

I am well aware that there are criticisms of these acts, but if honourable senators were to have the personal experience of dealing with the people who benefit through them, as I have had, I believe they would agree with me that the good accomplished far outweighs any criticism there could be.

Canada has subscribed to the Universal Declaration of Human Rights passed by the United Nations General Assembly in December, 1948, one article of which is:

> Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, of other lack of livelihood in circumstances beyond his control.

Honourable senators, having subscribed to this declaration, I believe it is our duty to do all we can to make it possible for everyone in Canada to enjoy these rights.

I do not think this can be accomplished merely through providing necessary goods and services to those who need them. We must give to all Canadians an opportunity to work for adequate wages so that they can provide these things for themselves.

In connection with Canada's external aid to developing countries, we accept the principle that it is better to help the developing countries to help themselves become self-sufficient, than it is to continue indefinitely to supply their actual needs in the way of basic necessities. This principle is equally applicable to the part of our population who are not now able to be self-sufficient, owing to their lack of education or lack of employment

opportunities. I believe the studies of a committee such as has been proposed might well determine how this could be done.

Although poverty in its modern interpretation is often defined as the state where people are deprived of the opportunity to enjoy life on the level they might expect to do in view of our technological and scientific discoveries, the only method by which we can measure poverty is by the amount of income received. As I stated earlier, the studies of the Canadian Welfare Council, the Economic Council of Canada and others, with the statistics they quote, point out that according to that method of measurement there are many people in Canada, not only in the Atlantic region, whose income puts them in what is generally considered the poverty level.

It is strange that this should be true in this country, about which our former Governor General, Lord Tweedsmuir once said:

> The resources of Canada are so rich and varied that it would not be easy I think to find their parallel elsewhere in the world. We have only begun to scrape the edge of our inheritance.

I believe that what Lord Tweedsmuir said is as true today as when he said it. If it is, why are we allowing such a large minority of Canadians to suffer deprivation while at the same time a large majority of us enjoy a very high standard of living? There must be some method through which the proceeds of a country which is so rich in natural resources, can be divided more evenly among its people. The committee which Senator Croll has suggested might, I believe, find some solution to this problem.

So far I have dealt only with humanitarian reasons for finding a solution to the problem of poverty in Canada but, I believe, there are other reasons for this study.

Lack of money leads to the lack of many things which in this age men and women have come to feel it is only right and fair that they should have.

Mr. Braine, Commonwealth Under-Secretary in the British House of Commons in 1961, said:

> It would be folly to ignore the fact that the days when men were prepared to accept the evils of poverty as being part of the natural order are over.

Again, Mr. Braine said:

> Is it so surprising that men everywhere are now beginning to understand that hunger, sickness, unremitting toil and early death are no longer inevitable or that they grow impatient for change and are caught up, to use Mr. Adlai Stevenson's vivid phrase, in "the revolution of rising expectations".

It seems to me that if we do not make it possible for all Canadians to participate in the good life which our country could provide for all and which it does provide for so many, we may well be caught in that "revolution of rising expectations".

Humanitarian considerations aside, great manufacturing and trading nations, such as we hope and expect Canada will be, have everything to gain by raising the standard of living of the poorer people, for this increases the levels of consumption, which in turn creates more trade within the country and leads to more prosperity.

Again, to refer to purely practical considerations, in supporting the idea that people should be trained to help themselves so that they will be self-supporting, President Lyndon Johnson of the United States expressed the view that $1,000 invested in the retraining and rehabilitation of an unemployed worker is likely to return to the national economy about $40,000 in the lifetime of the individual so assisted. On the other side of the picture, as Senator Belisle has told us and as the report of the Economic Council sets out, it has been estimated in the United States of America that one poor man can cost the public purse as much as $140,000 between the ages of 17 and 57 years.

There will always be a small minority of those who cannot support themselves, such as the chronically ill, the permanently disabled, one-parent families with small children and inadequate incomes. These groups will always have to receive welfare assistance.

However, a thorough investigation by a Senate committee might very well provide guidelines showing what our country can and should do to eliminate poverty and improve the standard of living among those able and willing to work, but who, even if they can manage to secure employment, cannot earn enough to provide for themselves and their families the standard of living which in this rich country and these modern times they are entitled to and expect to enjoy.

Other countries, particularly the United States of America, are making great efforts toward the same objective of a better standard of living and the abolition of poverty. Also in an effort to improve the standard of living in India, the government of that coun-

try has laid great stress on industrialization. The countries of Africa have put greater stress on agriculture. In Canada we have undertaken projects to achieve this aim, but from the results obtained we have apparently not done the right things or we have not done enough to make any great improvement in the standard of living of those in the more deprived regions of our country and among our Indian, Eskimo and Metis population.

Despite our efforts, it seems the gap between the well-to-do and the poor is not closing.

The appointment of a special Senate committee to study this matter may well lead to recommendations which will do much to solve the problem, and I wholeheartedly support the motion.

On motion of Hon. Mr. Carter, debate adjourned.

PRIVATE BILL

AETNA CASUALTY COMPANY OF CANADA—SECOND READING

Hon. Eric Cook moved the second reading of Bill S-11, to incorporate the Aetna Casualty Company of Canada.

He said: Honourable senators, I am sorry to say that some of you will now be hearing the explanation of this bill for the third time.

The bill was first introduced in the Senate in June 1965, was passed by the Senate on June 30, of that year, but received only first reading in the other place before Parliament was adjourned. The bill was again introduced at the next session of Parliament, was passed by the Senate in 1966, but was talked out in the other place when it came up for third reading. The bill was introduced in the other place in the session which commenced in May of 1967 but was talked out before it received second reading.

Honourable senators, the purpose of Bill S-11 is to incorporate in Canada the Aetna Casualty and Surety Company. The American parent company has already been doing business in Canada for 47 years. It now wishes to incorporate a Canadian company for the purpose of transacting business in Canada in future.

The first directors of the new company will be the promoters named in section 1. The capital of the company is to be $5 million, of which $1 million in capital and surplus must be paid in before the company may commence business.

The head office of the company will be in Toronto, and by virtue of section 6 the company will be empowered to carry on business in the fire, casualty and surety fields, but not, of course, the business of a life insurance company.

Honourable senators, if the bill receives second reading, I shall move that it be referred to the Standing Committee on Banking and Commerce, where the promoters will be available to answer any questions which may then arise.

Hon. Mr. Croll: Is this bill identical with the others that we have had?

Hon. Mr. Cook: Yes.

Hon. Mr. Roebuck: Why was it tossed out on two occasions?

Hon. Mr. Cook: It was in the other place, Senator Roebuck. I could not say.

Hon. Mr. Croll: There was a filibuster in the other place.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Cook, bill referred to the Standing Committee on Banking and Commerce.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 212 to 259, inclusive, which were presented yesterday.

On motion of Honourable Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 209, for the relief of Jean Michel Furlan.

Resolution 210, for the relief of Carmen Saint Laurent Duclos.

Resolution 211, for the relief of Roselle Pauline Trottier Tessier.

Resolution 212, for the relief of Joseph Maurice Sarto Gauthier.

Resolution 213, for the relief of Georges Aime Lussier.

Resolution 214, for the relief of Joan Webster Guynan Hayes.

Resolution 215, for the relief of Garnet Roberts Fernley.

Resolution 216, for the relief of Elizabeth Bayramian Krikor.

Resolution 217, for the relief of Florence Thorne Martin.

Resolution 218, for the relief of Gerard Pierre Laberge.

Resolution 219, for the relief of Jeannine Cousineau Brunet.

Resolution 220, for the relief of Hedwig Waltraud Hempel Lagoutte.

Resolution 221, for the relief of Barbara Susan Ship Stone Ruddy.

Resolution 222, for the relief of Leslie Ann Florance Adamson.

Resolution 223, for the relief of Patricia Ann Casey Bergh.

Resolution 224, for the relief of Douglas James Fairweather.

Resolution 225, for the relief of Florence De Pippo Desrosiers.

Resolution 226, for the relief of Julia Bourner Gilbert.

Resolution 227, for the relief of William Robert Gammon.

Resolution 228, for the relief of Maurice Paul.

Resolution 229, for the relief of Gisele Naud Ouimet.

Resolution 230, for the relief of Gilles Mann.

Resolution 231, for the relief of Daphne Mellor White.

Resolution 232, for the relief of Lucie Duranceau Saint-Germain.

Resolution 233, for the relief of Walter Brown.

Resolution 234, for the relief of Pauline Mercure Loiselle.

Resolution 235, for the relief of Camillia Schoel Stern.

Resolution 236, for the relief of Emma Jean Sturge Wade.

Resolution 237, for the relief of Edith Helen Glen Baillie.

Resolution 238, for the relief of Marlene Zacharin Zweker.

Resolution 239, for the relief of Laurencielle Aglae Longpre Beaudry.

Resolution 240, for the relief of Arlette Nadia Gurekian Habib.

Resolution 241, for the relief of Betty-Lou Ethel MacKenzie McCurdy.

Resolution 242, for the relief of Irmtraut Grzanna Prader.

Resolution 243, for the relief of Monique Laflamme Putin.

Resolution 244, for the relief of Gilles Bonnette.

Resolution 245, for the relief of Charles William McCann.

Resolution 246, for the relief of Franz Piene.

Resolution 247, for the relief of Rita Borko Trumpa.

Resolution 248, for the relief of Omelian Korol.

Resolution 249, for the relief of Shirley Ann McElligott Swanson.

Resolution 250, for the relief of Ida Weinrauch Szoke.

Resolution 251, for the relief of Marie Kathleen Wood Casey.

Resolution 252, for the relief of Doris Ivy Simpson Ramsay.

Resolution 253, for the relief of Allan Graham Laing.

Resolution 254, for the relief of Guy Leger.

Resolution 255, for the relief of Roland Methot.

Resolution 256, for the relief of Roger Gariepy.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be placed on the Orders of the Day for consideration on Tuesday next.

Motion agreed to.

FARM IMPROVEMENT LOANS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-111, to amend the Farm Improvement Loans Act.

Bill read first time.

Hon. Paul Martin moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

JUDGES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-114, to amend the Judges Act.

Bill read first time.

Hon. Paul Martin moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, I hope that we will be able to proceed tomorrow with the debate on the motion standing in the name of Senator Croll calling for the establishment of a committee to examine into and report upon all aspects of poverty in Canada. A list has been made and I hope the speakers will be alerted and ready to go on so that we can conclude that debate, or at least make some progress in it.

Hon. Mr. Croll: Honourable senators, on a question of privilege, I think the effect of the debate has not quite got across to the people of Canada and I do not think we should be rushing it. There is an opportunity in this house for many more speakers to speak on this subject, if it is important. If it is not important, we should drop it. I do not think a sufficient number of senators have spoken on this subject as yet, and I think we should give it more time so that it may possibly make a little more impression on the people of Canada than it has so far.

Hon. Mr. Benidickson: On a point of order, honourable senators, may I say that I agree completely with what Senator Croll has said. There is much to be said about communications.

I see that Senator Croll has on the Order Paper for Tuesday next a statement to the effect that he will call the attention of the Senate to the consequences, legislative and otherwise, flowing from the adoption by the Senate of the following reports of committees: the report of the Special Committee of the Senate on Manpower and Employment; the report of the Special Committee of the Senate on Land Use in Canada; the report of the Special Committee of the Senate on Aging; the report of the Special Joint Committee on Consumer Credit; and the Report of the Special Joint Committee on Divorce.

Now since there is some lack of understanding about these matters, why should we be in a hurry about this other very important study that Senator Croll advises? I think on the matter of consumer credit, progress has been made, and also following the report of the Joint Committee on Divorce very important progress has been made. But I suggest that on something as important as the matter under discussion, the leader should not hurry us.

We need some help on the communications media to make the people of Canada aware that Parliament, and particularly this branch of Parliament is considering this very important subject.

Hon. Mr. Roebuck: Honourable senators, may I add a word to that. My own position is that I want to speak on this matter, but have not yet had an opportunity to prepare for it. I would point out that I handle a very large number of divorce cases and read every one or nearly every one of them. Senator Fergusson has helped me out this week in reading quite a number. I cannot be ready to speak on as important a matter tomorrow or even on Tuesday.

Tomorrow or the next day I shall be speaking in another place. It is quite impossible for a number of us to keep up with this sort of thing. I have three speeches in my craw right now.

Hon. Mr. Martin: Honourable senators, this discussion has been useful and it has given us an opportunity of indicating that there is wide interest in this subject. However, some of us have the responsibility of preparing the work of the Senate and to make sure that our day's work program is realized. It was only with that in mind that I suggested that those who can speak tomorrow should be prepared to participate in the debate.

Senator Leonard wishes to make an announcement with regard to his committee, which meets tomorrow at 10 a.m.

Hon. T. D'Arcy Leonard: Honourable senators, those who are members of the Standing Committee on Finance will have received a notice of the meeting, but the notice does not set out the name of the witness who will be appearing before us.

I would like to tell not only the members of the committee but all honourable senators that the witness will be Mr. Reisman, now Secretary of the Treasury Board, having succeeded Dr. George Davidson. This will be his

first appearance before the Finance Committee, and all honourable senators are welcome to attend the meeting, whether or not they are members of the committee, and to ask questions. The subject matter will be the Revised Estimates for 1968-69, and I am sure that all those who attend and hear Mr. Reisman will find it well worthwhile.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, October 17, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, as previously announced, the Minister of Finance will deliver his Budget Speech in the other place on Tuesday next, October 22, 1968, at 8 o'clock in the evening.

May I be permitted to remind honourable senators that none but senators will be admitted to the Senate gallery of the House of Commons on that occasion. This step is being taken for the purpose of providing accommodation in the gallery for as many senators as possible. In this manner, senators will not be excluded from the gallery because of many of the places being occupied by relatives and friends of senators.

May I add that such instructions were first issued in 1931 by the then Speaker of the Senate, the Honourable P. E. Blondin, and that this practice has been followed ever since by successive Speakers.

CANADIAN NATIONAL RAILWAY BILL

CONSTRUCTION OF LINE OF RAILWAY NEAR WINDFALL, ALBERTA, AND OF A CONNECTING SPUR—REPORT OF COMMITTEE ADOPTED

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, presented the following report:

> The Standing Committee on Transport and Communications to which was referred the Bill C-109, intituled: "An Act respecting the contruction of a line of railway in the Province of Alberta by Canadian National Railway Company from the vicinity of Windfall on the Windfall Extension to the Sangudo Subdivision of the Canadian National Railway in a westerly direction for a distance of approximately 51 miles to the Bigstone property of Pan American Petroleum Corporation and of a connecting spur extending in a northerly direction for a distance of approximately 9 miles to the South Kaybob property of Hudson's Bay Oil and Gas Company Limited and its associates", has in obedience to the order of reference of October 15th, 1968, examined the said bill and now reports the same without amendment.
>
> Your Committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Maurice Bourget: Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

Hon. Mr. Roebuck: May I ask if there is any hurry with regard to the bill? Are we setting aside the rule for no reason?

The Hon. the Speaker: I would ask the honourable Senator Bourget to answer that question.

Hon. Mr. Bourget: I do not know whether the honourable Senator Roebuck attended the committee this morning, but I had the opportunity, as did the chairman of committee, the honourable Senator Thorvaldson, to discuss this matter with the representatives of the C.N.R. Because there is a tight schedule and the two companies interested are waiting for the facilities which will be offered by the C.N.R., the representatives asked that we give them authority to proceed with it as soon as we can. That is why I asked for leave to move third reading of the bill this afternoon.

Hon. Mr. Roebuck: I am satisfied.

Hon. Gunnar S. Thorvaldson: Honourable senators, I should like to add the point that I believe this bill would have been proceeded with earlier had it not been for the dissolution of Parliament last spring. I would repeat what was said to some of us this morning by the officials of the C.N.R., that with winter's fast approach they are concerned, and although they are ready to proceed they feel

they cannot do so until the bill has at least had third reading in the Senate. Consequently, they asked whether it would be possible to have third reading today, at which time they will feel that they have the green light to go ahead.

Motion agreed to and bill read third time and passed.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, October 22, 1968 at 3 p.m.

Hon. Mr. Flynn: Honourable senators, I understand that we are not going to sit on Tuesday evening. Is that the reason why we are assembling at 3 o'clock in the afternoon?

Hon. Mr. Martin: No, that is not the reason. As His Honour the Speaker has already indicated, provision has been made for senators to attend the budget speech. I am sure all of us regard that as part of our participation in the national public business.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Mr. Martin: Honourable senators, this may be a convenient place to indicate what will likely be our business for next week.

On Tuesday afternoon we will continue the motion standing in the name of Senator Croll for the appointment of a Special Committee to investigate and report upon all aspects of poverty in Canada. There are a number of speakers already on the list. I understand there are others who also wish to speak.

Furthermore, there will be the debate on third reading of Bill S-8, to amend the Supreme Court Act.

As the Leader of the Opposition reminds me now, it has been agreed that senators will take advantage of provisions which are rightfully theirs, to listen to the budget in the other place on Tuesday next.

There will be divorce resolutions and reports.

We will have before us the Farm Improvement Loans Act and the Judges Act. I expect that we will have three other bills in our hands, when we meet again next week.

Hon. Mr. Flynn: From the other place?

Hon. Mr. Martin: At least one from the other place. There will be meetings of committees. The Committee on Science Policy has power to sit while the house is sitting. I am advised by the chairman that that committee will be meeting all day Wednesday and all day Thursday. The Committee on the Rules of the Senate has planned a number of sittings. At least one other of the standing committees will meet.

At this point Senator Molson might make an observation which he asked me to make but which would come more appropriately from him as Chairman of the Committee on Rules which was set up a few weeks ago. This committee is engaged in an important examination of our procedures and committee structure.

Hon. Hartland de M. Molson: Honourable senators, if I may have your indulgence for a moment, I would call attention to the fact that the Special Committee on the Rules of the Senate is sitting *in camera*, but that restriction applies only to those outside the membership of the Senate.

As I said the other day, the rules and procedures of this chamber are of vital concern to all members, and that senators who wish to attend any or all of the meetings of the committee are welcome to do so.

NATO

USE OF NUCLEAR WEAPONS—ALLEGED STATEMENT BY GENERAL LEMNITZER

On the Orders of the Day:

Hon. Paul Martin: Honourable senators, before the Orders of the Day are called, I wish to reply to a question Senator Carter asked me yesterday and in connection with which I said I would endeavour to reply to today.

In replying to this question regarding the military situation in Europe and NATO, and the statement attributed to General Lemnitzer, who as you know, is the Supreme Allied Commander, Europe, I wish to say that he was reported as having made certain remarks last weekend in Lisbon during an address to the annual assembly of the Atlantic Treaty Association. I have not yet had an opportunity of seeing the complete text of what he said. However, I have seen excerpts which cover the aspect referred to by Senator Carter.

General Lemnitzer's first point was to suggest that because the conventional forces of the members of the Warsaw Pact powers are superior in number to those of NATO, there could well be a requirement at a relatively early stage of any major conflict, which we

all hope will never take place, to use the tactical nuclear weapons available to NATO. General Lemnitzer went on to argue that, in addition to having such nuclear weapons, it was important for the alliance to make clear its will and determination to use them if circumstances warranted. If there was any doubt about this point, he suggested, the deterrent value of NATO's military forces could be jeopardized.

Against this background, I would like to deal with the two specific questions addressed to me by Senator Carter. The first was whether I would care to comment on the statement as a whole. Well, this would be difficult for me to do because I have not seen the full statement. My impression is that the points General Lemnitzer sought to make were not new, although the way in which he expressed them and the manner in which they were reported in the press may have given that impression. It should, of course, be recognized that General Lemnitzer was speaking in his capacity as a senior military officer with responsibility for defending Western Europe against a possible Warsaw Pact attack. He was not necessarily enunciating the views of the alliance as a whole or those of any of its individual members.

Perhaps the best way of answering this point is to remind honourable senators that NATO has recently adopted a policy of what is called "flexible response," which is based on the proposition that wars may break out or aggression take place below the nuclear level and that in such a situation nuclear retaliation would be inappropriate and dangerous. This doctrine therefore recognizes the necessity in an age of nuclear weapons of being able to respond to any aggression with the degree of force necessary to defeat it without escalating the conflict to all-out nuclear war. It places increased emphasis on conventional forces as a means of achieving objectives; flexible response reduces dependence on nuclear weapons but it does not, however, eliminate the requirement for them.

Senator Carter's second question was whether in my opinion the Russian occupation of Czechoslovakia had changed the military situation in Europe to the point where expenditures on conventional arms were becoming a waste of money and the security of the free world now demanded a return to "the brinkmanship of the nuclear deterrent."

I think the lesson to be drawn from this situation is not that expenditures on conventional arms are wasted, but rather that NATO, apart from any individual nation now in the organization, has a continuing requirement for sufficient conventional forces to deal with any local disturbances before they can develop into a major conflict. With adequate conventional forces the alliance can hope to deal with minor conflicts—resulting perhaps from accident or miscalculation on the other side—below the nuclear threshold.

Hon. Mr. Carter: Honourable senators, I should like to thank Senator Martin for his very full answer to my question.

RHODESIA

MEDIATION IN CONSTITUTIONAL DISPUTE

Hon. M. Grattan O'Leary: May I direct a question to the Leader of the Government?

Inasmuch as we are a party, indirectly, to all of this dispute between the British Government and the Government of Rhodesia, can the Government Leader in the Senate tell me whether the Government of Canada was consulted by Mr. Wilson when he made his "take it or leave it" proposal to Mr. Ian Smith the other day?

Hon. Mr. Martin: I do not know that I would agree with the last remarks of Senator O'Leary (Carleton), that the proposition could be characterized as a take it or leave it proposal. It is a fact that the Government of the United Kingdom did indicate to the Canadian Government that the proposed conference would take place between the British Prime Minister and Prime Minister Ian Smith. In addition, my colleague the Secretary of State for External Affairs was advised of the proposed meeting by the Foreign Secretary when both were in attendance last week at the United Nations.

PRECIOUS METALS MARKING BILL

THIRD READING

Hon. W. M. Benidickson moved the third reading of Bill S-4, respecting the marking of articles containing precious metals.

Motion agreed to and bill read third time and passed.

CUSTOMS ACT

BILL TO AMEND—THIRD READING

Hon. Earl Hastings moved the third reading of Bill S-10, to amend the Customs Act.

Motion agreed to and bill read third time and passed.

PRIVATE BILLS

THE CANADA TRUST COMPANY—THIRD READING

Hon. F. M. Blois, for Hon. Mr. Haig, moved the third reading of Bill S-6, respecting The Canada Trust Company.

Motion agreed to and bill read third time and passed.

THE HURON AND ERIE MORTGAGE CORPORATION—THIRD READING

Hon. F. M. Blois, for Hon. Mr. Haig, moved the third reading of Bill S-7, respecting the Huron and Erie Mortgage Corporation.

Motion agreed to and bill read third time and passed.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Chesley W. Carter: Honourable senators, I should like at the outset to declare my unqualified support for this motion and to congratulate Senator Croll for bringing it before us. I also want to congratulate him for the thorough and masterful manner in which he presented his case for the setting up of a Senate committee to inquire into poverty in Canada.

Poverty has so many sides and so many facets that, as Senator Croll said, it is very difficult to know where to begin. Therefore, for several reasons which I shall enumerate later, I have decided to begin by reciting a little poem written by Robert Southey in 1798, entitled "Complaints of the Poor."

And wherefore do the Poor complain?
The Rich Man ask'd of me;...
Come walk abroad with me, I said,
And I will answer thee.

'Twas evening, and the frozen streets
Were cheerless to behold,
And we were wrapt and coated well,
And yet we were a-cold.

We met an old bare-headed man,
His locks were thin and white;
I ask'd him what he did abroad
In that cold winter's night;

The cold was keen indeed, he said,
But at home no fire had he,
And therefore he had come abroad
To ask for charity.

We met a young bare-footed child,
And she begg'd loud and bold;
I ask'd her what she did abroad
When the wind it blew so cold;

She said her father was at home,
And he lay sick a-bed,
And therefore was it she was sent
Abroad to beg for bread.

We saw a woman sitting down
Upon a stone to rest,
She had a baby at her back
And another at her breast;

I ask'd her why she loiter'd there
When the night-wind was so chill;
She turn'd her head and bade the child
That scream'd behind, be still;

Then told us that her husband served,
A soldier, far away,
And therefore to her parish she
Was begging back her way.

We met a girl, her dress was loose
And sunken was her eye,
Who with a wanton's hollow voice
Address'd the passers-by;

I ask'd her what there was in guilt
That could her heart allure
To shame, disease, and late remorse;
She answer'd she was poor.

I turn'd me to the Rich Man then,
For silently stood he,
You ask'd me why the Poor complain,
And these have answer'd thee!

Honourable senators, I learned that poem when I was at school many years ago, and it has been turning over and over in my mind since I listened to Senator Croll's opening speech.

Senator Croll and the Economic Council both emphasize that poverty has many forms and many causes. One reason I have recited that poem is that it emphasizes that fact, and by contrast and in addition I wish to emphasize that although 170 years have passed these same forms of poverty are still with us in spite of welfare capitalism and in spite of the welfare state—with one exception, the soldier's family. Thank God soldiers now get decent pay and their dependents no longer have to beg or depend on charity to get to and from wherever they happen to be serving.

I am sure each of us here today can think of someone we know who at this very moment, like their counterparts in the poem,

are victims of poverty in affluent Canada. We read about them in the press; we see and hear about them on television and radio practically every day.

I recited that poem for a second reason, to illustrate one tremendous difference between the society of 170 years ago and the society of today in Canada and English-speaking countries generally. In Southey's day practically everyone was poor; only the very few were rich. Today, in the English-speaking world, and certainly in Canada, the majority are well off; it is the poor who are in the minority.

I ask the question: Has there been a corresponding change in attitude? I doubt it. The rich man in the poem took poverty for granted, and that is understandable when one considers that one of the hymns he would sing in church told him:

> The rich man in his castle,
> The poor man at his gate,
> God made them high or lowly
> And ordered their estate.

It is understandable that he should ask why the poor should complain instead of accepting their lot as it had been ordained.

Is the attitude of the well-off majority in Canada today towards the poverty-stricken minority much different from the rich man in the poem? It is true we no longer blame it on God, but do we not blame it on something else—on the Government, on industry, on welfare agencies and sometimes even on the victims of poverty themselves?

It is only now that we are beginning to appreciate the plight of our Indians, Eskimos and the Metis. Only now, as a people, are we beginning to recognize our responsibility towards these native groups and how much we have failed them. But the Economic Council tells us that poverty not only exists among the native groups and in rural areas, but among the white people, not only among seasonal workers in rural areas but among the non-farm population in the urban centres. The Economic Council tells us that in urban areas which are outwardly affluent there exist pockets of dire poverty not easily discernible nor recognizible, but there nevertheless.

The war on poverty is not a job for government alone—it is a job for everyone—and if this committee can shake the well-off majority out of their apathy and make them more aware of their responsibility to help combat poverty in Canada, then the committee will have amply justified its existence.

The Economic Council has suggested several lines of attack on this problem of poverty which the committee might explore. Senator Croll elaborated on some of them when he suggested that some way must be found to cut the Gordian Knot of dependency, to break the vicious circle of causes that destroy incentives and make poverty self-perpetuating.

The Economic Council pointed out that the influence of poverty is highest among the less educated and unskilled. No doubt, better educational facilities, better health services, better manpower programs, more adult education will contribute towards the solution.

The way that some of our manpower retraining programs have been operating leaves much to be desired. In talking to a friend some time ago who operates a fish plant, he said, "We have eleven welders working in the plant now." I asked, "Why on earth do you need eleven welders?" "Oh," he said, "they are not welding; they are cutting fish." I asked how this had come about and he replied that a vocational school had opened and they were paying young men to go to take courses in welding. So seven or eight of these young fellows, finding the pay was very good, went off and took these courses. However, after the courses were completed there were no jobs available, so now they are back at the plant doing the same job they were doing before.

We give courses in the use of heavy equipment, and it is difficult for a person, after taking such a course, to get a job, simply because he has no experience. Any contractor on a big contract demands experience, and how can students who have just finished a course get experience unless someone employs them?

Senator Croll also referred to the need to provide employment opportunities. In this connection I should like to express my appreciation of the Government's new approach to regional development. It would be useful to have someone from the new Department of Regional Development appear before the committee to tell it of their plans, but I think it would be more beneficial if the committee first took a look at the old programs and got some idea of their deficiencies.

A few days ago a friend told me that in India $67 billion had been spent on the development of power projects and other schemes —$50 billion from the Indian budget, and another $17 billion in external aid from various countries—yet, in spite of that huge expenditure, the incidence of poverty had

actually increased because the new jobs created by this expenditure had not been sufficient to keep up with the increase in population.

As far as job opportunities are concerned, all development programs, in my opinion, must be evaluated against the trends of this technological age. The present trends towards automation and cybernation are such that job opportunities are likely to diminish instead of increase. Machines now do the work of brains as well as muscles. Many people around the age of 50 with low education find no market for their labour.

I know that some economists disagree with this. They point to the industrial age and the industrial revolution, when jobs actually increased. But the industrial age was an age of mechanization. It is true that machines destroyed jobs, but they also created jobs for the men who ran the machines. Many reputable economists today point out that even in the industrial age new jobs kept pace with the increase in the labour force only by reducing the number of hours worked per week. These economists now emphasize that industrially we have passed into a new era, the post-industrial era. Many top economists forecast that by the year 2000—in 30 years' time—so much work will be done by automated machines controlled by computers that 75 per cent of Canada's work force will be paid not to work.

Under those conditions it seems that some form of guaranteed annual income must be inevitable. With the advent of such abundance the elimination of poverty will be a problem more of distribution of wealth produced than of production.

Many people today believe that poverty results in large measure from the fact that our distribution system is geared to scarcity instead of abundance. The committee may find it necessary to look into this aspect of the problem. In any event, if the committee can come up with a plan for the gradual and orderly transition into the post-industrial era, and for the elimination or alleviation of human suffering during the transitional period, it will have performed a very valuable service to Canada and to Canadians.

Hon. Mr. Rattenbury: Would the honourable senator permit a question? In his reference to unemployed welders and heavy machine operators, was he referring to Newfoundland alone? If so, I would ask him if he has any figures to indicate the percentage of unemployment in these fields.

Hon. Mr. Carter: No, I have not those figures. I did not think they were relevant to this particular subject.

Hon. Mr. Rattenbury: My experience as a businessman with a reasonably large number of employees would indicate that there is an acute shortage of such personnel, not a surplus.

Hon. Mr. Carter: That may be. I do not dispute what the honourable senator says, but the fact is that there is a shortage of trained personnel that a contractor would want to employ. He would not employ the new graduates from the schools because he would not consider them sufficiently trained or experienced.

Hon. Mr. Rattenbury: As a contractor, I would love to employ them.

Hon. Mr. Carter: Well, the honourable senator is an outstanding employer, and one who is quite different from the contractors I hear about in my province. I know some of the cases I refer to from personal experience, and I can vouch for them.

Senator Croll referred also to the need to examine pilot projects, both in Canada and abroad. I believe that this is essential. There are a number of pilot projects going on in Canada sponsored by ARDA, FRED, and ADA, and by the Atlantic Development Board. The committee must, I think, take a look at some of these in order to get a clear idea of what will work and what will not work, and why.

I understand a study is being carried out on the possible impact of the closing of the steel mill at Sydney, Nova Scotia on the surrounding area. This is a vital study because it deals with the spillover of benefits of isolated urban industry into rural areas. I hope it will be possible to have the people conducting the study appear before the committee to explain their findings.

I have in my hand a book entitled *Isolated Communities,* by Oscar Waldemar Junek. It deals with Blanc Sablon, a little fishing village in Quebec-Labrador. It describes this community in great detail from economic, sociological and ecological viewpoints as Mr. Junek saw it in 1934. This book attracted my interest because I have seen many fishing villages in my own province with almost identical conditions. It would be interesting if the conditions today at Blanc Sablon could be compared with those of 30 years ago, so that

the impact of various programs could be evaluated in so far as they have resulted in human betterment.

I gathered from Senator Croll's remarks that he would like this inquiry organized in such a way that the committee would be able to make a reasonably early interim report containing some useful recommendations. To do this the committee will have to set priorities, and in my opinion top priority should be given to the examination of existing welfare programs and their administration.

I propose this for three reasons. In the first place, the costs of these programs are fantastic. They seem to have got out of control. When I was preparing this address I looked through the Revised Estimates, copies of which we all have, and I was amazed to find in them that provision is made to spend $1.58 billion on Old Age Security, another $561.7 million on family allowances, $51 million on youth, and $251.9 million on the Canada Assistance Plan. If there is added to those amounts the expenditure for disabled persons and old age assistance, which amounts to $15.75 million, the grand total is $2.461 billion.

The program in respect of old age assistance, disabled persons, and the Canada Assistance Plan are all shared-cost programs, of which the total of the federal Government's share is $267.6 million. This means that the provinces also will spend $267.6 million on these programs, which brings the total combined expenditure up to $2.729 billion.

To that we must add the expenditures on war veterans. Veterans' pensions, in the Estimates, amount this year to $225.2 million. In addition to that there is $108.6 million for war veterans' allowances, making a total expenditure of $333.8 million by the Department of Veterans Affairs. If we add that amount to the other figure, we get a grand total of over $3 billion that is being spent on welfare in Canada.

Surely, with an expenditure of that magnitude there should be no poverty among the sick, the aged and the handicapped in Canada. Yet the Economic Council tells us that in spite of that huge expenditure there are at least five million Canadians below the poverty level, about 25 per cent of the total population, and that is measured by a yardstick which would give a conservative number.

One of the questions this committee must try to answer is why these programs are not more effective. This is particularly urgent because these programs will have to remain in force until new ones are worked out, and improvements are not possible unless we fully understand and correct the faults in the old ones.

My own impression is that the trouble with many of these programs is that they are not geared to people. They are geared to bureaucracy, to provincial priorities, possibly even to political objectives. They are geared to many things but not to people. I have personal knowledge of people who own some items of livestock, but when they went to seek welfare because they needed assistance they could not get it unless they sold their sheep, their cow, their goat, or whatever it was they had. It would be interesting to discover whether this stupid regulation is still being enforced, because nothing can be more self-defeating or more destructive of incentive than that type of regulation.

Widows, particularly those under 55 without children, are the forgotten people in our welfare programs. With the unemployment figure in my own province running between 10 and 20 per cent, what market is there for a woman's labour? Yet they cannot get assistance because of the age limit. It was my understanding that the Canada Assistance Plan was expressly designed to take care of that type of case, but from my own experience it has not worked out that way, and as far as I am concerned the whole Canada Assistance Plan is very disappointing.

Probably the main reason for our poverty in Canada is because our programs are designed to treat the symptoms of poverty and not deal with the real root causes of poverty.

Another priority must be to evolve a suitable yardstick to measure poverty over a wide area. We already have some yardsticks in our statutes. For example, in the guaranteed annual income legislation we have the figure of $1,260 for a single old age pensioner, or $2,520 for an elderly couple. In the War Veterans Allowance Act we have a figure of $2,940 maximum permissible income, and that figure applies to couples. This statistical yardstick works a particular hardship on young veterans under 60 years of age who are trying to bring up children. These young veterans cannot qualify unless they are unemployable, and being unemployable they cannot add to their income through casual earnings as can people over 60 or people able to work. Many of these disabled veterans, who are not suffering because of their war disability but are nevertheless disabled, are trying to bring up

families, yet their only income is $2,940, which constitutes some sort of yardstick which has been worked out to measure their needs.

Then there is the magic figure of $3,000 for a family of four. I am not sure where this figure originated, but the Government has given it some sanction by using it as a basis for some ARDA programs. Bearing in mind the postal strike, it would be interesting to know how the earnings of many of our government employees who are employed on a casual or prevailing rate basis—and I think the committee should make an inquiry into this—compare with the figures I have just quoted as to the poverty level.

Finally there is the yardstick suggested by the Economic Council. This yardstick describes the poverty level as when 70 per cent of a person's income is expended on food, shelter and clothing. This yardstick has the advantage of flexibility and almost universal application. Whether the percentage should be 60, 70 or 75 is a refinement the committee should be able to determine. However, this yardstick is not entirely satisfactory in that it leaves open the question of what should be the minimum acceptable standards for shelter, food and clothing. A person may spend 70 per cent of his income on these three items, but his house may still not be fit to live in, or the food may be extravagant, or the household finances may not be properly managed. If some way can be found to work out a qualitative and quantitative standard for food, shelter and clothing the Economic Council yardstick affords, in my opinion, the best method by which the true dimensions of poverty in Canada can be meaningfully measured.

This year Canada will spend $3 billion plus on various welfare programs, and that does not leave much room for additional anti-poverty programs. Senator Cook points out in his speech a few days ago the dangers of overburdening our economy. Indeed, it seems that our economy may already be over-burdened. Senator Croll also emphasized that the committee must find answers which will not impoverish the taxpayers. Nevertheless, the Economic Council raises the question whether Canada can afford not to eliminate poverty. Apart from the human degradation, suffering and privation, the committee must try to assess in dollars and cents the results of poverty in terms of crime and lost production and balance that against the cost of remedial programs, which can be worked out in terms of goals and priorities and implemented progressively as the capacity of the economy to support them increases.

Senator Fournier (Madawaska-Restigouche) in his excellent speech made a point by quoting a text from Scripture, namely, "The poor will always be among us." When Our Lord spoke these words I think that He was thinking in terms of mankind in general and not of one particular group or region. When we contemplate the massive proportions of poverty throughout the world, in Asia and Africa, there is no reason to doubt the literal truth of that statement.

The Economic Council has pointed out that poverty is a relative term. Poverty in Canada, bad as it is, cannot be equated with poverty in India or Asia, where millions are born on the street, grow up, and die on the street, without ever having had a roof over their heads or any possessions of their own.

If one accepts a definition of poverty as related to average standards of a community or area, then poverty will always be with us, because as the standard of living rises in a community or area, the poverty level will rise with it. In an affluent society like that of Canada, there should be no real poverty, particularly among the sick, the aged or handicapped, and there can be no "just society" until it is eliminated.

There is no need to refer to the causes of poverty. We all know about them. These have been enumerated by the Economic Council and Senator Croll covered them extensively in his speech. They are the lack of earnings, seasonal work, insufficient earnings, low wages, poor health, insufficient education, and lack of skills.

However, Senator Fournier (Madawaska-Restigouche) did mention one cause which merits consideration. He pointed out that some people are poor because they are too honest, and some are poor because others are not honest enough. He referred to people who spend incomes on non-essentials and still manage to get welfare payments. No doubt this practice increases the difficulty of administration and results in hardship in some cases, while genuine need goes unrecognized and unmet.

In the same category belong those employers who discontinue their private pensions to employees when those employees reach the age to qualify for old age security. A very dear friend of mine, now long gone to his reward, used to say: "There is enough in this

world for everybody's need, but not enough for everybody's greed." Every day, the truth of that observation becomes more evident.

There is no doubt in my mind that the poverty we see around us derives in large measure from the materialistic values by which our action are governed, as compared to the spiritual values, to which we give only lip service. That being so, a moral uplift on a national scale will go a long way towards solving the problem.

Honourable senators, in conclusion, I think we must recognize that poverty in Canada is in some ways related to poverty abroad. If the Portuguese people had a higher standard of living, it would not pay them to come all the way to Newfoundland to catch fish, because we could produce fish much more cheaply for them and our fishermen would be consequently better off.

If the Caribbean peoples had higher incomes, they could afford to pay higher prices for our salt fish on which they depend for protein.

I am personally convinced that any solution to poverty in Canada, to be satisfactory and lasting, must be worked out within the moral framework on which our democratic society is built. If such a solution can be found, it will be applicable not only to Canada but to the world at large.

Honourable senators, I believe that Senator Croll's motion to inquire into poverty in Canada contains one of the greatest challenges ever presented to this chamber. It is a gigantic task, but I cannot think of any cause more noble or more worthy of the talents and experience represented in this chamber. I hope it will receive unanimous support.

Hon. Senators: Hear, hear.

Hon. J. Harper Prowse: Honourable senators, the proposal put before us in this resolution moved by Senator Croll affords the Senate of Canada an opportunity to perform a most necessary and vital service for this country and its future. I can think of nothing more important to those of us who are alive today and who expect to see tomorrow, than to ensure that everything we can do is done to provide opportunities for those who will be here tomorrow to live at least as well as we are able to live today.

I was shocked on reading in the newspapers some excerpts from the Report of the Economic Council dealing with poverty, in which the Council indicated that more than four million Canadians—and you can play with the figures, depending on the line you wish to take—are living on incomes which cannot possibly provide them access to the supply of goods and services necessary to permit them to feel that they are enjoying a reasonable share of the good things which this Canada has to offer to its people and in which you and I often take pride.

Honourable senators, it is not my intention to insult your intelligence or try your patience, by seeking to make your hearts bleed for the individual cases of poverty and the effects of it. I take it for granted that each of us is aware of individual instances which have made our own hearts bleed and which would make the hearts of others bleed also. There is no need for a dreary repetition of these sad effects, in order to grasp the importance of the situation. Rather, should I like to appeal to you, and through you to the people of Canada, to approach this problem not merely with Christian sympathy, which we can take for granted, but in an attitude of enlightened self-interest. In other words, it seems to me that the reason why we must take hold of and deal with this problem of poverty, or the complexities of problems which make up what is called the problem of poverty, is that unless we do so we may find ourselves in a most difficult and unexpected position. We must bear in mind that the theory of democracy assumes some reasonable degree of equality between those people who are participants in this form of government. When one finds large sections of the community living in conditions which are different from those of other sections of the community, then that difference becomes the only basis for their approach to problems, and that kind of approach to problems can be a rock which will smash democracy to pieces. Hungry men are not apt to think too clearly. Frightened people do not think too clearly. Democracy functions not for hungry people, not for frightened people, but in the long run it functions well when people have confidence in it.

The absolute figures of the number of unemployed in any one place at any one time do not necessarily give us an indication of the seriousness of the problem. The seriousness of the problem from the point of view of its effect upon the other portions of society in the country as a whole depends rather upon how long people remain unemployed, whether their condition is temporary or if they have a reasonable expectation of improving their position, or whether they are locked into this state of deprivation and have lost hope of

getting out. Once we allow deprivation to continue for long enough that the person who is suffering from it becomes locked in and feels helpless to get out, and feels that nobody cares whether he gets out or not, then we are heading for a situation which can only result in disaster.

I think it may be true to say that one of the reasons the United States, our great and powerful neighbour to the south, is suffering the tremendous problems it is with its rash of disorders, is that it has too many people of a minority race who for too long have suffered obvious deprivation, or deprivation which was obvious to them every time they looked around, and they have become convinced that nobody cares.

The efforts that have suddenly been brought about to ameliorate the situation down there have perhaps come too late. Because one of the strange things about human nature is that a man can go without something if he is alone and does not know somebody else has it. In such a case he will never miss it. You never need a Cadillac until you see somebody else enjoying one. You do not have to keep up with the Joneses, if there are no Joneses within your sight. But when a person sees that he is able to enjoy only substantially less than his neighbours in other sections of society whom he sees frequently—and now that we have television he sees them all—his first reaction is interest, perhaps surprise. His next reaction is envy; envy then grows into resentment, and resentment fanned by neglect or a feeling of neglect, can grow into hate and hate will progress by normal steps into violence.

I may be overdramatic, but I think not too much, if I say that unless we allow ourselves the luxury of permitting our hearts, and perhaps even our pocketbooks, to bleed a little for those in our country who are deprived, regardless of the reason, we may in the future become familiar with the sight of blood in our streets.

To me this is the crux of the problem. I do not know whether we have within our means in Canada today the ability to solve the problem by mere redistribution of income. I would seriously doubt if that is the way this problem can be solved. There are certain sectors of our community, and they have been mentioned—the aged, the disabled and other persons who realize they cannot help themselves—who can have their problems solved as well as possible by either private or public charity at a reasonable level. But I think we must remember that there are four needs which are basic in every human being, four drives which command our life and its enjoyment.

The first is the instinct to do what needs to be done to continue the race—the instinct for race preservation. The second is the instinct for self protection. But what is sometimes not so readily realized is that there is in every man a third need, one for a feeling of self expression, of doing something where he simply says, "This is me." Ordinarily we associate that feeling with the artist's work, but it is true of every man. He must have some chance of that feeling of self expression or his life becomes hollow and unsatisfactory. Finally, every man must have a feeling that he is approved by his fellowmen. He may select either a large or a small group to get approval from.

These are the four basic drives, and a person who is able, or feels he is able, to do something useful and wants to live his whole life doing something more than merely receiving and being fed without making any contribution, is going to be a continuous threat to the ability of other members of society to continue to live in peace and happiness.

We have to realize, therefore, that what we are talking about in attacking the problem of poverty is not merely providing the money to make a payoff today so that people can get enough to eat. The problem is to try to find out why these people do not have enough.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. Prowse: And then to provide those who are able to take this kind of help with the help they need so that they will not need any more help.

Society can be divided generally into three types of people: those who are gifted by God with special abilities enabling them to look after themselves with some to spare; those, at the other end of the spectrum, who have not been so gifted or so well endowed and who just are not capable of looking after themselves; and those—the biggest mass of people—who form the group in between and who, if given reasonable opportunity, will be able to look after themselves reasonably satisfactorily.

Our goal must be to see to it that nobody who is able to help himself should have to be in or should be permitted to remain in the area where he is dependent on others for help.

The point that is often mentioned, and you have all heard it—"They do not want to work; that is why they are on relief."

Hon. Mr. Macdonald: I wonder if the honourable senator will permit me a question.

Hon. Mr. Prowse: Certainly.

Hon. Mr. Macdonald: If I understood him correctly, he just suggested that no one should be permitted to remain in an area where he cannot obtain work. Would you use force to move people out of an area where they cannot get work?

Hon. Mr. Prowse: I must have expressed myself badly if I left that impression. If I said that, I was in error. What I intended to say is that our goal and our aim should be to produce a situation in Canada by attacking this problem so that it will not be necessary for anybody who is able to work to look to society for assistance. If there are opportunities which a man deliberately turns his back on, then we have a problem with which I am afraid I do not have much sympathy. I think that the individual has as much responsibility to society as society has to the individual. Perhaps that answers the honourable member's question.

Now, when we discuss this, I suggest that we do not mislead anyone. If we give the indication that the solution to this problem is going to be quick, easy or simple I would venture to guess that there is no simple explanation, no single cause, and no simple cure.

I have been impressed by the reference which was made to guaranteed minimum incomes and negative income taxes. I think most of us would agree that a guaranteed minimum income represents a fairly reasonable way of dealing with our responsibility to people who have reached the age where they no longer ought to be worrying about where their next meal is coming from. However, I suggest that that is an entirely different problem than what we are faced with when we are dealing with the man who is out of work at the age of 17, 27, 37, 47, and 57 and maybe even at 67. We do not do anyone a favour when we remove the necessity for them to make an effort to undertake things in which they may take some pride.

The man who is generally given credit for having promulgated the idea of negative income tax is Professor Milton Friedman of Northwestern University in the United States. I think he outlined it in a book called "Freedom and Capitalism" perhaps it was Capitalism and Freedom. In any event, some of you who have been in the Senate for years may remember that prior to 1948, or about the time you were dealing in committee with the problems of the old age pension, a man by the name of Anderson—I think it was Robert Anderson—who I believe was Vice-President of the North American Life Insurance Company in Canada, appeared before the Senate committee and recommended the possible adoption of a form of negative income tax.

I think most of us know that a negative income tax is based on the following assumption. There are several forms, but this will do for one. Everybody who is making an income above a certain level has to file an income tax return. There are individuals entitled to certain basic deductions, and if their incomes rise above that level after the deductions, they pay taxes. Any person whose income is below that level is deprived of the opportunity of taking the deductions because he has nothing to take it against.

Let me just give you some idea of how frustrating it is to try to find out what economists really mean and think. I am going to read from *Newsweek* dated September 16, 1968, an article written by Milton Friedman entitled "Negative Income Tax—I" which is the first article on it. He says:

> This plan is intended to replace completely our present programs of direct relief—aid to dependent children, public assistance, and so on. For the first year or two, it might cost slightly more than these programs—because it is so much more comprehensive in coverage. But, as the incentive effects of the plan started to work, it would begin to cost far less than the present exploding direct-assistance programs that are creating a permanent class of people on welfare.

In his second article on "Negative Income Tax—II", he deals with the objections as follows:

> 2. The minimum levels of income proposed are too low. We are talking about a federal program and a nationwide minimum. The levels of assistance are decidedly higher than current levels in most states. They are decidedly lower than current levels in states like New York, Illinois, California. It would be absurd to enact such high levels as national standards. But there is every reason to encourage the more affluent states to supplement the federal negative

> income tax out of state funds—preferably by enacting a supplementary state negative income tax.

This man, in the second article, does a complete about-face. In the first article he says that this will be a complete replacement of all other welfare programs. Then, in his second article, he proposes state supplements to the scheme.

We then have Paul A. Samuelson who also wrote an article for *Newsweek* dated June 10, 1968, and he referred to this fact:

> Last week more than 1,200 economists, from 150 different colleges and universities, signed what may be an historically significant petition.

What they did was to ask the Government of the United States to introduce a negative income tax. This is what he says it is going to cost:

> An appreciable beginning could be made by the new Congress in the year just ahead for $5 billion net—i.e., $7.5 billion gross minus $2.5 billion saved on present welfare.

In other words, it is going to cost them three times as much as they are complaining about paying now. Friedman says it will cost hardly anything at all.

There is another danger in this scheme. Let us say that a particular man, if he were to pay taxes, would have a basic exemption of $3,000 per year. If we make up the whole of the deficiency between his actual income and this base figure, then we would pay a man with no income the entire $3,000. Obviously, it would be foolish to work when you could get $3,000 for doing nothing at all.

Friedman, therefore, would supplement his actual income by only one half of the difference. That is, the man with no earnings would receive $1,500, the man with earnings of $1,000 would receive $1,000. The man with earnings of $2,000 would receive $500. In other words, every one dollar of earnings would reduce his grant by 50 cents.

I suggest that the man with earnings is not going to be very happy. He is going to say that because his grant is reduced by 50 cents for every one dollar he earns that he is in fact being taxed at the absolute rate of 50 per cent of earnings. He is going to ask himself, why am I working when I am not going to be allowed to keep every dollar I make? Why should I, with a sub-standard income, when I still need assistance, be paying 50 per cent tax when fellows making $4,000 are paying 15 per cent? And a person has to be making $50,000 or $60,000 a year before he has to pay that rate.

Honourable senators, I am merely suggesting these things to you to point out that if anyone finds the solution to everyone's problem, he had better go back and do a little bit more reading. It is not easy, but the problem is there and it is important that we should keep it in mind and do what we can about it.

The thing I want to impress upon you is that it may be someone's suggestion, as Senator Carter and other speakers suggested, that because of technological progress and the incident of automation, we have a different situation today than that which resulted from the industrial revolution. The introduction of machines then made it possible for people running them to make other machines; and the kind of machines we have today take smart and highly educated people to make them, and smart and highly skilled people to operate them.

Then we look at the numbers of unemployed and we see that two-thirds of them did not get to grade 8 in school, and we think that there must be some causal connection here. It is rather like taking the two-thirds of the world's population who have never had a full belly from the day they were born to the day they die and relating that to the two-thirds who have never learned to read or write. But is it not just possible that the man who has a low income and a low education is in this situation for some third basic cause? There has not been enough research of the right kind done. Much research has been done by economists but we require much to be done by psychologists and sociologists. When this committee calls for experts, let it get the right kind of experts, because the biggest mistakes are made when you get an answer to a medical problem from a lawyer, or ask a doctor the answer to a political problem.

Let me sum up by saying that there is grave danger in this situation. Rome in its final days is remembered because it was the city of bread and circuses. The balance of political power was in the hands of the mobs who were unemployed, who lived on the handouts of the state, which also provided them with entertainment. We must keep in mind that if we allow the situation to arise in this country where a very large percentage of the people who hold the balance of power lose hope of any chance of improving their situation, and leave them in the position

where they are dependent for the food they eat on the largesse of the people whom they elect to office, and for entertainment on the TV which is provided for them, then we are, as sure as God made little green apples, doomed to go the same way as the Roman Empire and other empires have gone. Let us learn from the past and be warned by it, and let us now, before it is too late, take the opportunity to do what can be done to ensure that every Canadian is able to take advantage of the tremendous opportunities and challenges which this country offers to us.

Hon. Hedard Robichaud: Honourable senators, rising for the first time to participate in a debate in the Senate, may I be permitted to mention how very favourably impressed I have been with the high calibre of speeches delivered by members of this chamber since the opening of the first session of Canada's 28th Parliament.

May I also be allowed at this time to offer my warmest and most sincere congratulations to the Speaker, the honourable Senator Deschatelets. Like some of my colleagues I had the privilege of sitting with him in the House of Commons, first as a backbencher on the Government side, then as a member of Her Majesty's Loyal Opposition, and finally in the cabinet. He has always been a loyal colleague, always ready to serve his party and his country. I wish to join with those who have spoken before me in extending to Mr. Speaker our best wishes in the high office he now occupies.

Hon. Senators: Hear, hear.

Hon. Mr. Robichaud: There is very little I could add to what has been said so far in praise and appreciation of our new Leader of the Government, the honourable Senator Paul Martin. With him also I had the privilege of sitting in the other place, and while I also was in a position to admire and recognize his experience and ability as a colleague in the Government as a member of the cabinet, there was also another brief phase of his political career which I shared with him and which I have not forgotten. I refer to those years when sitting to the left of the Speaker as a member of a small Opposition force of fewer than 50 members, one had to become almost overnight practically an expert on such subjects as external affairs, agriculture, fisheries, mining, the coal problems of Cape Breton, statistics affecting our labour force, Indians and Eskimos, and as my honourable friend will remember, even on wheat, potatoes and soya beans. In other words, the Canadian Senate is fortunate to have among its members such a worthy parliamentarian, a man of the experience and knowledge of our Government Leader. I also wish him well in his new and responsible assignment.

Honourable senators, I must admit that as a newly appointed member of this chamber I had made up my mind to sit and listen for some months at least before participating in a debate. However, after listening carefully to the mover of the motion now before us, I could not resist the temptation to express, at least in a few words, my humble views on this important subject.

May I congratulate Senator Croll for having given the Senate the opportunity to meet this challenge of the Economic Council of Canada where in its Fifth Annual Review, released a few weeks ago, it suggested that the Senate of Canada might consider the advisability of creating a committee to inquire into the problem of poverty in Canada and to inquire into all aspects of poverty, urban and rural, and, what is more important, to define and elucidate this problem of poverty and to build public support for more effective structure of remedial measures.

Senator Croll's motion is drafted, as he himself stated, in response to that challenge, and in my humble opinion it must be considered by this house as one of urgency which must be acted upon with diligence and with the main objective of meeting head on the serious problems of poverty which plague and harass our society in the midst of plenty and affluence.

In its review the council states that poverty is not identical with simple income deficiency, but it adds that it is also a state of mind. There is no doubt that such a state of mind which, unfortunately, is too common among thousands and thousands of our Canadians, is destructive of family life, destructive of personal initiative, destructive of our economic growth and has the effect of freezing a segment of our population into a permanent guardian-ward relationship, thus resulting in creating a socio-economic level which is destroying or reducing almost to a nullity the potential capacity of such individuals.

In the course of this debate, futile attempts have been made to find a real and just definition for the word "poverty". It is only logical, when dealing with such a controversial but real problem, that opinions will vary, that each individual approach to the problem will be different, and that solutions offered will

cover a broad field, some more practical than others and some probably irrealistic or even physically impossible.

Some have defined poverty as applying to those who are denied the minimum levels of health, housing, food and education. As a result of being deprived of such normal living needs, a society is created in which a too large segment of its people are internal exiles who develop attitudes of defeat and pessimism, and are excluded from taking advantage of new opportunities. I am convinced that no one in this chamber for one moment believes that poverty can be corrected or cured overnight by such social welfare measures as those in existence in our country at this time.

There is much talk today of a "just society," of equal opportunities for all. Such a worthy objective, however, cannot be achieved by the full implementation or even by an accentuation of existing or additional welfare measures. Social welfare, by itself, will not cure or even properly alleviate the great tragedy of poverty in our midst, even in a country of wealth and abundance like ours.

One must admit, however, that those who have not, those who are deprived of essential needs, those who are poor in the real sense of the word, must have not only Government help but must also receive assistance from that segment of our society that can well afford to share the essential components of at least a minimum standard which will allow dignity and decency to a much larger proportion of our population.

The 160 or so existing programs of social welfare in this country, while providing an ad hoc type of relief to those who suffer the most, are far from being adequate to meet Canada's acute problem of poverty. It is true that we have in Canada particular aspects of underdevelopment or underemployment that are more evident in certain regions, where regional disparities must be reduced if all parts of our country are to share equally in our economic growth and development.

Already the present Government has moved towards the consolidation of all regional development programs into a single department. This is a move in the right direction, but this reorganization alone will not provide the assistance or measures required to bring those regions on to a near equal basis with the rest of Canada.

[*Translation*]

Honourable senators, since he entered politics, I have not always agreed with the views expressed by our colleague on the other side of the house, my friend the senator for Madawaska-Restigouche, the Honourable Edgar Fournier. On many occasions and in many circumstances we have expressed totally different ideas and opinions. I must admit, however, that I fully endorse the ideas he expressed in this house on Wednesday, October 9, during his remarks on the motion under consideration. He said then that we both come from regions of Canada which are recognized as the poorest in the country and designed or recognized as regions of poverty, misery and suffering.

I wish to be the first to admit that in our Atlantic provinces there are poor regions; we have centres where poverty, misery and suffering prevail. Like my colleague from Madawaska-Restigouche, I have to admit also that unfortunately, mass media, newspapers, radio and television, give too much importance to those reports, which are often exaggerated and false, which shamefully make capital out of misery and hardships experienced by part of the people of our Atlantic provinces. As my colleague pointed out, I realize that, too often alas, these same organisations make no effort whatsoever to bring to the attention of an ill-informed public the progress made by our governments, by our people and by our society, in improving the lot of the people in those provinces where obstacles to overcome are more difficult and require more efforts and sacrifices.

Honourable senators, those conditions exist in other Canadian centres; they exist in centres usually considered prosperous; they exist in the vicinity of our large centres such as Montreal, Toronto, Vancouver, Ottawa, and elsewhere.

I fail to understand how a crown corporation such as the Canadian Broadcasting Corporation—now financed by over $150 million annually in taxpayers money—can allow itself to offer its audience, from sea to sea, programs such as those we have witnessed in recent years on the national network. One would think that the people responsible for the production of those programs take pride in exploiting as grossly as possible that misery or that poverty which, without denying that it exists to a certain extent, should not be subjected to that exploitation, often false and exaggerated. It is not suprising that an old

fellow in that area could say to his interviewer on the matter, as my colleague, Senator Fournier mentioned:

> A bunch of idiots from Ottawa spent the summer taking pictures and acting the fools.

[*English*]

Honourable senators, a country which is in a position to provide over $150 million a year to its national system of radio and television should also exercise the type of supervision and control over such an agency which would assure its taxpayers that this money is well spent, to its best advantage and in their interests.

Hon. Senators: Hear, hear.

Hon. Mr. Robichaud: It seems to me that the C.B.C. could better use the funds at its disposal than depicting for its listeners and viewers the worst scenes of slums, poverty, misery and poor education that it has been able to detect in any of the Atlantic provinces.

I recall seeing in recent years C.B.C. programs on our Atlantic fisheries, programs which would lead the general public to believe that Canada had the most outmoded and backward fisheries, that its fishing methods and techniques were most obsolete and inefficient.

The facts are that our country's progress and development in this particular field compare favourably to any of the fishing nations of the world. This you will not believe to be true if you depend for your information on our nationally owned and operated system of radio and television.

The Atlantic provinces, although generally recognized as a distressed or have-not area, have much to offer in industrial possibilities or potentials, and adequate and qualified manpower, as well as in natural resources waiting to be developed and put to efficient and profitable use. The Atlantic provinces have as great, if not a greater, tourist potential than any other area of this country. You would not think so if you depend only on the type of propaganda provided to you through the C.B.C.

Honourable senators, I hope that I am being understood. I am not denying that the income distribution in our area of the Maritimes is far below the national average. I am not denying that there exist in our midst pockets of poverty, and levels of health, housing, food and education which are below the national average. We must admit also that a wide variety of efforts have been made to move our people out of poverty. We have to admit, however, that the results achieved so far cannot be accepted as altogether satisfactory, and new measures and incentives should be introduced if we are to meet the challenge of the present generation. Our modern concept of meeting this urgent problem must be different. The attack must be different, and a thoroughly revised and up-to-date creative approach must be made if the poverty problem of today's world is not to be perpetuated.

Where is the answer? Where is the proper machinery to deal with existing situations? How can we, as a body, best contribute to assure our country and our people of a just society, of equal opportunity in a land of plenty?

Honourable senators, the motion presently under consideration, while not providing by itself all the answers to this acute problem, offers us, to say the least, the challenge, and the opportunity to work for the national good, to work for a country of which we have every reason to be proud. It offers us the opportunity to increase our usefulness, and the opportunity to promote further this national unity which is the concern of each and every one of us. In accepting the present motion we can prove to this country that we recognize the fundamental principles of a "just society," and of equal opportunity for all.

As stated in the Fifth Annual Review of the Economic Council, the work of a committee such as is suggested in the present motion, could do much to define and elucidate the problem of poverty in Canada, and to build support for more effective structure of remedial measures.

Honourable senators, like those who have preceded me in this debate, I do not pretend to have all or any of the complete answers to this crucial, acute, and disagreeable problem of poverty. It has been said that growing wealth will not, of itself, solve the problem of poverty. It is true that with increased well-being, the position of those left behind could worsen and become perhaps even more shameful. We see this situation in many countries. It is a well-recognized fact that the poor are those who for reasons of location, education, health, environment in life, mental deficiency, or even of race, are not in a position to participate effectively in the economic life of a nation; those people who, whether they want it or not, live in deprivation. The question before us is: How can they be rescued?

Public efforts, and public funds well spent, can assist in relieving such conditions or situations. Whether it is by applying civil rights, by promoting proper education, by increasing employment, by correcting slum conditions, or by any other measures at our disposal, we have to admit together that something can and must be done to solve the problem of poverty.

It is not by crying and promoting strikes or quiet revolutions that poverty in Canada will be cured, or even alleviated. I am not against the right of labour to strike, but I am one of those who believe that in our country, particularly in recent years, there have been too many uncalled for stoppages of work, too many man-production hours lost, and that today we are reaping what has been sown.

I sincerely hope that a special committee of the Senate, if and when it be called upon to investigate and report upon all aspects of poverty in Canada, and if and when it recommends appropriate action to ensure the establishment of a more effective structure of remedial measures, will give proper emphasis to education, the lack of which today, I feel, is one of the prominent causes of poverty in our midst. Personally, I am concerned about, and almost alarmed by, the course of events taking place today in our Canadian universities. We have witnessed such reaction in many foreign countries, but not all of us ever thought that such events could take place in our own institutions in the year 1968.

However, I am asking myself: What else could we expect? Our students have also witnessed, just as well as we have, this growing tendency in recent years, among young and old, to disregard all forms of authority whether civil or religious, and even within family life. What else could we expect when some of our own universities, without screening whatsoever, have accepted or even imported from other countries a certain number of professors or lecturers whose main objective in life has been to promote, encourage, and even practise these types of revolutionary ideas which are so evident today on their campuses. What can we expect from our future generation when university students state publicly that they have to support strike movements, and express ideas contrary to their own, in fear of being deprived of their passing marks by those responsible for assessing their examination papers?

Education, I will admit, does not come within federal jurisdiction, but nevertheless we have every reason to be alarmed by what is taking place today in our schools, colleges, and universities.

Honourable senators, it is with great pleasure, and with no hesitation, that I endorse Senator Croll's motion. I express the hope that this house will see fit to give this motion its unanimous and unlimited approval.

On motion of Hon. Mr. Macdonald, for Hon. Mr. O'Leary (Carleton), debate adjourned.

The Senate adjourned until Tuesday, October 22, 1968, at 3 p.m.

THE SENATE

Tuesday, October 22, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE
Ottawa

22 October 1968

Sir,

I have the honour to inform you that the Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 22nd October at 5.45 p.m. for the purpose of giving Royal Assent to certain Bills.

I have the honour to be,
Sir,
Your obedient servant,
Louis-Frémont Trudeau
Brigadier General
Assistant Secretary
to the Governor
General

The Honourable
The Speaker of the Senate,
Ottawa.

HON. PAUL MARTIN, P.C.

TESTIMONIAL DINNER GIVEN BY MAYOR AND CITY OF WINDSOR

Hon. Rheal Belisle: Honourable senators, having had the privilege last Friday evening of being one of the many invited guests on the occasion of the testimonial dinner by the City of Windsor in appreciation for the services of the Honourable Paul Martin, I am taking the liberty of expressing the Senate's thanks and appreciation for his appointment as Leader of the Government in this house. I am sure that all honourable senators will approve this gesture.

The Prime Minister the Right Honourable Pierre Elliott Trudeau, and two former prime ministers, the Right Honourable Lester B. Pearson and the Right Honourable John G. Diefenbaker, eloquently told numerous anecdotes about our leader's qualities, talents and contributions in serving his former riding of Essex East, his country and, indeed, humanity. More than 1,100 persons, representing all fields of national and international affairs, gathered in the Cleary Auditorium in Windsor to honour the veteran political warrior whom this august chamber is privileged to have as its Government Leader.

I believe that we Canadians are always too reluctant to recognize our great men. We seem to find pride in them only after they have departed from the Senate. It is my intention briefly to record my admiration for a great Canadian, the Honourable Paul Martin, and to express my belief that this man, who has played an outstanding role in the other place, will by his wisdom and skill contribute in very large degree to making the Senate of Canada a strong and steady influence in national and world affairs.

Senator Martin comes to us with a vast wealth of experience. The test of time under three government administrations has given him the opportunity to demonstrate the qualities of foresight, application, talent and energy in many varied vital fields. Certainly this will greatly assist him in carrying out his duties as Senate leader on a high level.

His life has been characterized by an aggressive pursuit of difficult goals. Nothing has come easily to him; each achievement has been won at the cost of careful planning and infinite attention to detail. His self-confidence at times approaches boldness, and above all a driving energy directs his every active moment into serious activity.

Our colleague has achieved much. At the age of four he fought and won against spinal meningitis. He worked his way through university and law school in Canada and won postgraduate scholarships in the United States, Great Britain and Switzerland. He was elected to the House of Commons for the riding of Essex East at the youthful age of 32.

At the age of 33 he was leading Canadian youth delegations abroad, and at 35 he was an official Canadian delegate to the League of Nations.

It impressed Senator Martin, in his visit to Dieppe in 1945, that Canada was really a mosaic composed of Anglo Saxon, French, Irish, Ukrainian, German, Italian and many

other ethnic groups, all of which are a valued part of our Canadian fabric. He vowed that, if ever he had the opportunity, he would do something to emphasize this communion of nationalities in Canada.

Fired by memories of this emotional moment in the Dieppe cemetery, Senator Martin moved quickly to prepare the Canadian Citizenship Act of 1946, which was the forerunner of, and model for, similar legislation in Britain and all other Commonwealth countries.

His vigor and drive transformed the infant Canadian social welfare program. He added an entirely new concept of federal responsibility in health matters and changed the Department of Health and Welfare from a minor portfolio to one of the most vital departments of government.

His vast knowledge of political science, coupled with a great gift of human psychology, assisted him immensely in convincing Mackenzie King's cabinet that health and welfare legislation was of prime importance. It was, in a sense, an architectural design of all the future social programs that were enacted by Liberal governments.

Honourable senators, the Honourable Paul Martin's respect as a world diplomat was due also to the fact that he was one of the best-educated foreign ministers in the world.

His length of service in the House of Commons, and his vast political sagacity made him indisputably the No. 2 man in the St. Laurent and Pearson governments.

He is sometimes accused of "talking around" a subject, a perfectly natural tendency in a man who must harbour many diplomatic secrets and whose every statement is examined by foreign governments for indications of new policy.

Senator Martin's accomplishments at the United Nations and at the NATO Council meetings made me feel proud to be a member of those teams. He won the confidence and respect of many small nations and gave to Canada the reputation of being an independent country willing to take the initiative even in the face of opposition from great powers. His excellent work in the Cyprus crisis, with the peacekeeping force, though very costly for Canada, undoubtedly headed off a potential war between Greece and Turkey. That combined with his constant efforts over the past few years in breaking the deadlock over the Vietnam war should qualify him as a candidate for the Nobel Peace Prize.

Senator Martin's superb talents as a politician have for many years tended to obscure the fact that he is an intellectual, a scholar and an academician. These attributes have been more noticeable since he became Government Leader in the Senate.

This is a humble tribute to a great Canadian. To do him full justice, it would be necessary to deliver a much longer testimonial.

[*Translation*]

Honourable senators, I would be remiss if I did not tell the honourable Paul Martin how proud French-speaking Ontario is to count him among its most noble and distinguished sons.

As honorary president of the French-Canadian Association of Education of Ontario and also as president of the board of governors of the University of Sudbury, may I express the great regard we have for you and our gratitude for everything you have accomplished.

You have always been one of our most able defenders not only in Ontario, but in Canada as a whole. The very fact that you were born in our capital bestowed on you the responsibility of being one of our most spirited and eminent fellow-citizens.

Your family's decision to settle in the Ottawa valley made you realize not only the sacrifices needed to get a bilingual education but also the advantages it offered and the need for it, a need which becomes more and more obvious if one wants to contribute fully to the development of the Canadian nation.

Your wide knowledge in many fields, but especially in the field of social justice, made you realize that when one undertakes to rebuild one finds out that to do something useful and to break new ground, one must start from what has been achieved already, from a set of values which are as many materials and tools accumulated by previous generations.

The philosopher Gustave Thibon put it very well in these words:

> One does not build the roof of a building with stones torn from the foundations.

Progress does not consist in destroying the past, but in building upon it and in going beyond it.

With your great knowledge of the problems of Ontario and of Canada, you have, with the dignity of a great statesman, greatly contributed in international circles to make people realize that, in order to adjust to these

new times, one must not relinquish essential values and reject one's heritage entirely.

The French fact of today would not have been possible without the wisdom of your fights and of the efforts of all those who live outside the beautiful province. These constitute in fact, the essential phenomenon which summarizes and characterizes bilingualism in our country.

When the many pages of the history of Ontario, as well as that of Canada, are written, I am sure the name of the honourable Paul Martin will stand in the forefront; his contribution will have been considerable; his ideal should inspire many young Canadians.

Yet, fate willed that three times, at three different stages of your political career, you should fail to accede to the leadership. But the future of the Senate, its very survival, depended perhaps on that decisive factor in your career. In these very difficult times we are going through, a man with your experience, your talents and specially your prestige could guide Canadians and make them understand that the Senate is one of the two legislative houses needed in our country, that as long as it remains active and respected, Canada will remain whole.

Hon. Senators: Hear, hear.

[*English*]

Hon. Paul Martin: Honourable senators, I have been taken by surprise by the very generous remarks of Senator Belisle who sits opposite. In all humility, I thank him for his very kind references to me. I am sure there are many who will join with me in recognizing that he has exaggerated my worth, but I assure him this exaggeration is greatly appreciated.

The city from which I come did want to mark my departure from the House of Commons by a special occasion, and Prime Minister Trudeau, Mr. Diefenbaker, Mr. Pearson, the representative of Mr. Stanfield, the leaders of other political parties and members of both Houses of Parliament were good enough to attend. The many friends who were present, and those who sent messages expressing their regrets at not being present, honoured me in a way that I had no right at any time to expect.

I thank the Senator for having been there himself, and more particularly for putting this generous and kind tribute on our record today.

[*Translation*]

I should like to express to honourable Senator Bélisle my most sincere thanks for his kind words. Last Friday's celebration in Windsor will always be for me and my family an unforgettable event. The speech he delivered today is further proof of our indebtedness to him. My feelings of admiration and friendship for the honourable senator are great indeed.

[*English*]

I thank honourable senators for their warm response to Senator Belisle's kind remarks. It remains for me to live up to what I said when I spoke to the citizens of Windsor, that in my judgment this is a very valuable institution of Parliament, and that regardless of our political affiliations we are all working in this house for the good of our country and of our generation.

Hon. Senators: Hear, hear.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Order in Council P.C. 1968-1808, dated September 19, 1968, authorizing, under section 21 of the Export Credits Insurance Act, contracts of insurance by the Export Credits Insurance Corporation for the sale of approximately 100,000 tons of Canadian wheat to the Government of Syria, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English and French texts).

Report of Operations under the Health Resources Fund Act for the fiscal year ended March 31, 1968, pursuant to section 13 of the said Act, chapter 42, Statutes of Canada, 1966-67. (English and French texts).

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 260 to 307, inclusive, and moved that the said reports be taken into consideration at the next sitting of the Senate.

Motion agreed to.

PUBLIC SERVICE OF CANADA

RATES OF PAY FOR UNTRAINED LABOUR—INQUIRY ANSWERED

Hon. George S. White inquired of the Government:

1. Does "the earning power of a man in the class of the untrained labourer, as determined by the average wage for this

type of employment in the Public Service of Canada" mentioned in paragraph (c) on page 493 of Volume 2 of the Report of the Committee appointed to survey the Organization and Work of The Canadian Pension Commission, presented to the Minister of Veterans Affairs on 22nd March, 1968, include the earning power of all untrained labourers employed by the Government of Canada?

2. If there are exceptions, is there any difference in the average wage paid an untrained labourer?

3. If there is a difference in the average wage paid an untrained labourer, what is the difference and why the difference?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

1,2,3. An answer to this question cannot be provided.

The Minister should not offer his interpretation of the meaning of the quotation and Mr. Justice Woods, the Chairman of the Committee, has been discharged.

THE SENATE

RETIREMENT OF MEMBERS—INQUIRY ANSWERED

Hon. Jacques Flynn inquired of the Government:

1. How many senators summoned before the coming into force of An Act to make provision for the retirement of members of the Senate, chapter 4 of the statutes of 1965, have availed themselves of the option provided by section 14 of the said Act?

2. How many senators, summoned before the coming into force of the said Act, have taken their retirement

(a) for reasons of health,

(b) in the year following their 75th birthday, or

(c) for any other reasons?

3. What are the names of the former senators to whom the Governor in Council has granted a pension pursuant to section 15 of the said Act?

4. In how many cases has the Governor in Council granted pensions to the widows of retired senators pursuant to section 16 of the said Act, and what are the names of the recipients?

5. How many senators, summoned before the coming into force of the said Act, died in office since the coming into force of the said Act, and what are their names?

6. What is the amount the Government has received to date in contributions pursuant to section 17 of the said Act, and what is the total amount that has been paid out pursuant to sections 15 and 16 since the coming into force of the said Act?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

1. One.

2. (a) Eight; (b) Two; (c) Eleven.

3. The Honourable C. R. Bishop; The Honourable A. J. Brooks; The Honourable J. A. Buchanan; The Honourable T. A. Crerar: The Honourable F. W. Gershaw; The Honourable T. V. Grant; The Honourable N. Hodges; The Honourable A. K. Hugessen; The Honourable M. B. Jodoin; The Honourable W. R. Macdonald; The Honourable J. F. Pouliot; The Honourable T. Reid; The Honourable W. McL. Robertson; The Honourable J. W. Stambaugh; The Honourable W. H. Taylor; The Honourable L. D. S. Tremblay; The Honourable C. J. Veniot; The Honourable T. Vien; The Honourable A. L. Woodrow.

4. Six cases—Mrs. A. Bishop (deceased); Mrs. Edith Brooks; Mrs. H. G. Gershaw; Mrs. M. J. Grant; Mrs. E. A. Robertson; Mrs. B. G. Woodrow.

Pursuant to section 16 of the said act, a pension was granted to Mrs. Zoe Comeau, under the authority of legislation Vote 7e, Appropriation Act No. 4, 1966.

5. Eleven—The Honourable A. B. Baird; The Honourable P. H. Bouffard; The Honourable S. S. McKeen; The Honourable W. R. Davies; The Honourable V. Dupuis; The Honourable J. Hnatyshyn; The Honourable N. P. Lambert; The Honourable S. S. McKeen; The Honourable A. N. McLean; The Honourable C. G. Power; The Honourable T. H. Wood.

6. During the period of June 2nd, 1965 to September 30th, 1968, total contributions amounted to $182,669. The total amount of pensions paid out under sections 15 and 16 was $263,299, consisting of $236,545 for retired senators and $26,754 for widows.

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Thursday, October 17, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. M. Grattan O'Leary: Honourable senators, I am sure it would be but a time-wasting redundancy if I were to try to go over all the ground covered so well and so ably by those who have preceded me in discussing this motion. But I do want very sincerely to support this motion, a motion dealing with a situation which counsels, indeed challenges, the concern of us all, which, in truth, should make for the shame of us all.

Relatively speaking, Canada is a rich country: we speak, we often boast of our inexhaustible resources; we speak of our affluent society. We are obsessed with what we call our Gross National Product; and, certainly, we spend vast sums lavishly on material projects. Yet here in this latest report of the Economic Council, we have a desolating tale of degrading poverty of hundreds of thousands, perhaps millions, of our people living in an abyss of misery and poverty; the exposure of a situation which surely calls for more than that worried pity found so often in the speeches and writings of humanitarians, which calls for more than mere rhetoric about a just society, and calls for more than certain kinds of organized charity, once denounced by a renowned poet as a "statistical Christ".

As I read that report, there came back to me Goldsmith's lines from "The Deserted Village":

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay:

Honourable senators, I have said before in this house, and I repeat, that the greatness of a nation must be weighed in scales more delicate than the balance of trade; that strength cannot be measured only by a nation's material resources, that its strength must be measured by the vigour and health of its population, just as its true glory must always be found in the happiness of its humbler homes.

This brings me to our welfare state. With the philosophy and the principle of the welfare state I cannot disagree, for I am not one of those Conservatives who cling to the venerable and sanctified cliches of a sentimental capitalism. Nevertheless, I do believe that the time has come to take a hard and practical look at our whole social security structure. I believe, with Senator Muriel Fergusson, that some of its measures are good. Certainly, we must never forget that question which has come to us down through the centuries: Am I my brother's keeper?

At the same time, I think we should try to make sure that we are not encouraging indolence, that we are not subsidizing, entrenching and perpetuating poverty, making dependence on the state a way of life and thereby undermining the worth and dignity of the individual.

As I speak I think of a community in which I lived as a boy some 70 years ago. The people who lived there derived their livelihood from the yield of the sea, but also they had small tidy farms—farms which did not bring them wealth, but which did give them security and a sense of manhood and dignity.

From their farms those people derived everything that was needed for life—at least, for a comfortable life. They grew their own grain. They cut it with a sickle, and they threshed it with a flail. I myself engaged in those activities. They took that grain to the local miller, and brought back feed and flour for their livestock and for themselves. They killed their cattle, and took the hides to the local tannery and brought back leather, and they had that leather made into boots and shoes by the local shoemaker. They lived by the light of candles made by themselves. They sheared their sheep. They put the wool on the slopes to bleach. They brought it into the homes and carded it. They spun it into yarn on old spinning wheels, and then took it to the looms, which were in most of the homes, and wove it into good homespun.

All of these things they did in their homes. While I say this was not affluence, it was not extreme poverty, and it had the great merit of preserving the manliness, the dignity, and the courage of the individual.

I can never forget the haunting beauty of the shadows caused by sun and cloud over a waving grainfield. These are the things I remember of that community. But, what do I find there now? I find those farms deserted. I find them overgrown by switchgrass and weed. I find young men now seemingly content to be guides for tourists, and when winter comes—and it comes early in November—they revert to handouts from the state.

That, honourable senators, is an erosion of what I have called the dignity of the individual. That is something which, existing as it does in other parts of the country, should be looked into very closely by this committee, if and when it is formed.

The Senate should take a meaningful look at our social security system, and see what is good in it—and there is much good in it. Who can deny the worth and value today of old age pensions? Certainly not those of us who were brought up in the countryside. These things in the system are good, but I fear greatly that there are other things which are evil, and which are doing harm to the moral fibre, to the strength and character of the Canadian people. These, I think, as much as poverty itself, should be examined by this committee.

Honourable senators, when I was a boy I heard one of our great orators conclude a speech on poverty with this ringing sentence. "Gentlemen," he said, "it is a great thing, and noble, to win the Victoria Cross, but it is a greater thing, and nobler, to lift up one child from the pavement to be kissed by the rays of the sun."

If that be the aim of this committee, then I think it deserves, and indeed commands, the support of all of us in this house.

Hon. Clement A. O'Leary: Honourable senators, this is the first time that I have had the unenviable experience of following my namesake. I may tell you that I am not very happy about it.

Speaking in Hamilton on October 3 of this year the Minister of Finance, in part, said:

> During the past fiscal year the federal Government spent just about $5 billion on all kinds of social development programs. This accounted for 40 per cent of all federal spending and went to pay for income maintenance programs, health and social services, economic opportunity programs and for aid to education.

And he went on:

> These extensive programs are generally designed to alleviate current poverty or to help adults and young people to obtain the skills which can lift them from poverty permanently.

Just prior to those words, speaking with reference to ministers and members of Parliament, Mr. Benson used these words:

> ...are more closely and vividly aware of the problem of poverty than are the members of the Economic Council. And we have been doing things about poverty for years.

With these latter words he laid the basis for outlining a number of the more significant current programs designed to combat poverty. Senator Croll and other honourable senators have also spelled out many of these efforts, indicating their varying degrees of success and failure. The Economic Council of Canada did likewise. So, for the most part, these expressions have indicated no real difference of views. Thus, there is no disagreement in that, irrespective of our spending some $5 billion and participating in some 159 programs, poverty still remains a stark reality.

I believe we are all concerned, and that all Canadians are concerned, as to whether or not we are receiving even something near good value for this money. This concern is naturally shared by recipients and taxpayers alike. It is obvious then that it is the desire of all to seek more effective programs that can render greater service.

This leads me immediately to the question of, and to an attempt to understand at this time, what the exact role of this committee will be when it is set up. You will note that I do not say "if it is set up."

It is quite easy to visualize most of the critical areas which require study, but if we or this committee are to avoid the overlapping and duplication which is decried in the field of welfare programs themselves, then I would hope that we may be able to assume an area of responsibility unto ourselves.

I understand that cabinet committees and the Government-appointed advisory committees have been, and are, looking at all of these programs encompassed within the expenditure of $5 billion in an attempt to determine if they are accomplishing what was intended when they were initiated. Considering, too, that in addition to this $5 billion there is the provinces' shares to be considered, and, as well, those of the municipalities, it is quite natural that representatives of the federal Government should be meeting shortly with the treasurers of the provinces in a joint effort to make a valid assessment of what we presently have, before initiating something new, which could be expensive and only add to the hodge-podge.

In the first instance, I would judge that it would be the Government's intent to effect more remedial measures for poverty. And, we certainly have good reason for thinking that by a closer co-ordination of the present programs, and a cutting back, or even a removal

of some of them, we might do an equally good job for less money. I am not imputing motives, because even I believe that such a revision could have the intended effect, but we in this chamber must not and would not be satisfied to continue the status quo simply by doing equally as good a job with the same amount of money or less.

It is felt in some quarters that the current economic problems of our country have panicked this Government into cutbacks, even in this vital and urgent area of poverty, for example, in disbanding the Special Planning Secretariat of the Privy Council, which according to the Economic Council had given promise of being a useful co-ordinating and information-providing device. Once more I quote from the same speech by the Minister of Finance. He said:

> Any proper attack on poverty requires a great deal of study, a great deal of understanding, many different policies and many different measures.

Surely a great deal of study has already been done on this subject, but if we did not believe that more was required we would not be considering setting up this committee which Senator Croll has proposed. A great deal of understanding must now be had on the subject, in view of the great publicity recently given to it, and we must remember that in the Economic Council's recommendation for such a committee the building of public support was spelled out as a part of this chamber's role. I know we would all like to come up with some simple solution which would do away with the obvious necessity of many policies and many different measures, but I submit that no such pat solution has been or will be suggested.

Although I listened to Senator Croll's remarks very carefully and have read and re-read them, and although I realize that he is seized with the urgency of the problem of poverty—as he said, "This is a matter of urgency, for action now"—I am still not fully clear how this committee can be truly different from other bodies, past and present, in the study of this subject. I would agree that the motion is in broad terms, and is deliberately so, to prevent restriction of the work of this committee. Perhaps I need just a bit more of Senator Croll's confidence that this committee can lead the way in avoiding previous time-consuming investigations by selecting witnesses and probing projects that can best and most expeditiously help us to define and elucidate the problem, and thereby insure that our recommendations will be self-evident and acceptable for immediate implementation.

As I read some of the statements of members of government, economists and personnel engaged by the Government to do studies on this subject, it seems to me difficult to imagine that any one body at this time will find a general acceptance of its views, particularly if they are arrived at in what might be termed—not by me, mind you—a hurried manner to meet the urgency of action to which Senator Croll has referred. The fact that we are a continuing body might just possibly not be to our advantage, in that we would not be pressured by the time element and could delay making useful recommendations. This, of course, would not meet our conscientious sense of urgency, and I would hope that we would not experience great difficulty in convincing other Canadians of our genuine concern for action now.

I thought that Senator Fournier (Madawaska-Restigouche) made an excellent speech in this debate. I particularly liked his very personal illustration of what proper assessment, determination and self-help can do to alleviate what sometimes appears to be a hopeless situation. In his resumé of the history and growth of his home credit union Senator Fournier said little or nothing about that so necessary quality of leadership. We who know him and his modesty can quite easily guess that he played a dominant role in this area, and we most heartily commend him for it.

Some Hon. Senators: Hear, hear.

Hon. Mr. O'Leary (Antigonish-Guysborough): As a general statement, I think it can be said that since the publishing of the Fifth Report of the Economic Council there is evident, perhaps for the first time, an acute awareness on the part of corporate bodies, co-operative bodies, organizations and individuals, of the fact that the poor are not just a few in number but are many, and that they are our neighbours.

I think that Dr. Laidlaw, Executive Secretary of the Co-operative Union of Canada, wrote very well indeed for co-operatives and credit unions in this country in "Co-op Commentary No. 20", published about six weeks ago, from which I will read two short paragraphs. Referring to the Fifth Report of the Economic Council, he said:

> Chapter 6 dealing with the incidence of poverty in a supposedly wealthy nation

> shocks all thoughtful Canadian citizens, but it carries a special lesson for co-operatives, a lesson that can be expressed in questions like these: Why is the co-operative movement, which had its roots in poverty and hardship, so ineffective in helping the poor and identifying with the poor when a nation moves into affluence? Why do co-ops of all kinds, including credit unions, agricultural, consumer, housing and insurance, tend to become more and more "middle class" where the poor feel out of place and neglected? Has the co-operative movement as a whole a moral responsibility to help the poor and disadvantaged people in society by encouragement, advice and financing to organize co-ops?

In his final paragraph he said:

> Probably the first step in the present situation is for credit unions and other co-ops to examine their membership and see if they can honestly say they are serving the poor well, and if the lowest-income families in the community instinctively turn to the co-op as their organization. Too often it will be found that the co-op is made up of those who have done pretty well and who think that government is the best institution for the ones who haven't "made it". Someone has said that religion is born among the poor and dies among the rich. There is great danger that the same might be said of co-operation and the spirit that gave birth to co-operatives, in Canada as elsewhere.

Hon. Mr. Connolly (Ottawa West): Is that all quotation?

Hon. Mr. O'Leary (Antigonish-Guysborough): That is all quotation.

I suppose it could be said that any committee made up of intelligent people serves some useful purpose, provided its terms of reference are not too restricted, or that it is not faced with a budgetary handicap. But then I am sure that all honourable senators would not want such a committee from this chamber merely to serve "some" useful purpose. It should and can play a vital role, and undoubtedly that is what Senator Croll has in mind.

In 1965-66 Pierre-Yves Pepin did an ARDA research report entitled "Life and Poverty in the Maritimes". I am certain that a number of honourable senators have at least seen this report. I did not receive a copy but I know that some were distributed. Mr. Pepin did his field work unassisted, in the months of July and August 1965, visiting and living in three counties in Nova Scotia, two in New Brunswick and one in Prince Edward Island. He completed the report on June 1, 1966 but I do not believe there was any public release until March 1968. An English copy available in our library bears an August 6, 1968 date stamp.

In the preface of the report, he tells about the types of people he interviewed, in rather general terms, such as:

> It was a matter of maintaining a balance between contact with elements representing social and economic leadership and with elements representing the mass, the positive and the problematic elements.

Some of Mr. Pepin's interviews lasted four or five hours, he tells us in the report. In answer to a written question in the other place, it is interesting to note, for example, that in King's County, P.E.I.—Senator Inman will be interested, although she probably knows this already—Mr. Pepin reported interviews totalling twelve people. These he classified as follows: 3 agricultural, 3 clergymen, 2 labourers, 2 fishermen, 1 cook, 1 fishbuyer.

I understand there were other interviews but he did not report them. Now, was it through intent or inadvertence that no welfare workers were interviewed, and, more particularly, those from the voluntary agencies? Of course it could be that the three clergymen in that county had full knowledge of the work of the voluntary agencies.

In the matter of defining the poverty problem, this report tells us little—so far as I could determine from reading it—much less does it offer solutions. But, in fairness, we must remember that Mr. Pepin was asked to report on "life" and "poverty" in the Maritimes and he apparently gave "life" the priority.

Notwithstanding my questioning as a Maritimer the value of such a report as this, I could not but be intrigued by words such as these:

> This was our first extended contact with the Maritimes, and it soon aroused our desire to return to this modest but proud people who live in picturesque or spectacular surroundings, and who have preserved a way of life and a dignity that deserves respect.

And of Inverness, Nova Scotia, he wrote these words:

> Inverness represents isolation and modest resources amid an imposing landscape.

I would hazard a guess that Mr. Pepin was very happy to get back to Montreal after his two months' visit.

Hon. Mr. Connolly (Ottawa West): I doubt that.

Hon. Mr. O'Leary (Antigonish-Guysborough): I think so. I would judge he was in a bit of a hurry.

My only reason for referring to this report at all is to attempt to demonstrate that in too many instances the approaches made in studies of the problem of poverty have left much to be desired. I am sure no one would disagree on that. A committee from this chamber could very well come up with at least a goodly number of the answers that are being so earnestly sought. This of itself is sufficient reason for me to endorse warmly Senator Croll's motion.

On motion of Hon. Mr. McDonald, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 209 to 256, inclusive, which were presented on Wednesday, October 16.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 209, for the relief of Jean Michel Furlan.

Resolution 210, for the relief of Carmen Saint Laurent Duclos.

Resolution 211, for the relief of Roselle Pauline Trottier Tessier.

Resolution 212, for the relief of Joseph Maurice Sarto Gauthier.

Resolution 213, for the relief of Georges Aime Lussier.

Resolution 214, for the relief of Joan Webster Guynan Hayes.

Resolution 215, for the relief of Garnet Roberts Fernley.

Resolution 216, for the relief of Elizabeth Bayramian Krikor.

Resolution 217, for the relief of Florence Thorne Martin.

Resolution 218, for the relief of Gerard Pierre Laberge.

Resolution 219, for the relief of Jeannine Cousineau Brunet.

Resolution 220, for the relief of Hedwig Waltraud Hempel Lagoutte.

Resolution 221, for the relief of Barbara Susan Ship Stone Ruddy.

Resolution 222, for the relief of Leslie Ann Florance Adamson.

Resolution 223, for the relief of Patricia Ann Casey Bergh.

Resolution 224, for the relief of Douglas James Fairweather.

Resolution 225, for the relief of Florence De Pippo Desrosiers.

Resolution 226, for the relief of Julia Bourner Gilbert.

Resolution 227, for the relief of William Robert Gammon.

Resolution 228, for the relief of Maurice Paul.

Resolution 229, for the relief of Gisele Naud Ouimet.

Resolution 230, for the relief of Gilles Mann.

Resolution 231, for the relief of Daphne Mellor White.

Resolution 232, for the relief of Lucie Duranceau Saint-Germain.

Resolution 233, for the relief of Walter Brown.

Resolution 234, for the relief of Pauline Mercure Loiselle.

Resolution 235, for the relief of Camillia Schoel Stern.

Resolution 236, for the relief of Emma Jean Sturge Wade.

Resolution 237, for the relief of Edith Helen Glen Baillie.

Resolution 238, for the relief of Marlene Zacharin Zweker.

Resolution 239, for the relief of Laurencielle Aglae Longpre Beaudry.

Resolution 240, for the relief of Arlette Nadia Gurekian Habib.

Resolution 241, for the relief of Betty-Lou Ethel MacKenzie McCurdy.

Resolution 242, for the relief of Irmtraut Grzanna Prader.

Resolution 243, for the relief of Monique Laflamme Putin.

Resolution 244, for the relief of Gilles Bonnette.

Resolution 245, for the relief of Charles William McCann.

Resolution 246, for the relief of Franz Piene.

Resolution 247, for the relief of Rita Borko Trumpa.

Resolution 248, for the relief of Omelian Korol.

Resolution 249, for the relief of Shirley Ann McElligott Swanson.

Resolution 250, for the relief of Ida Weinrauch Szoke.

Resolution 251, for the relief of Marie Kathleen Wood Casey.

Resolution 252, for the relief of Doris Ivy Simpson Ramsay.

Resolution 253, for the relief of Allan Graham Laing.

Resolution 254, for the relief of Guy Leger.

Resolution 255, for the relief of Roland Methot.

Resolution 256, for the relief of Roger Gariepy.

Resolutions adopted, on division.

The Senate adjourned, during pleasure.

At 5.45 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bill:

> An Act respecting the construction of a line of railway in the Province of Alberta by Canadian National Railway Company from the vicinity of Windfall on the Windfall Extension to the Sangudo Subdivision of the Canadian National Railway in a westerly direction for a distance of approximately 51 miles to the Bigstone property of Pan American Petroleum Corporation and of a connecting spur extending in a northerly direction for a distance of approximately 9 miles to the South Kaybob property of Hudson's Bay Oil & Gas Company Limited and its associates.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, October 23, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DISTINGUISHED VISITOR IN GALLERY

THE SPEAKER OF THE LOK SABHA, INDIA

Hon. Paul Martin: Honourable senators, I should like to draw your attention to the presence in the gallery of a very eminent visitor from our sister Commonwealth country, India, the Speaker of the Lok Sabha of that great country.

It is an honour for me to welcome to this house on your behalf the distinguished Speaker of the Lok Sabha, the Honourable N. S. Reddy, who has had an active public life over a period of 34 years during which he held many important posts, both state and national.

From 1964 to 1966 Dr. Reddy was Minister of Steel and Mines in the Government of India, and from then until his election to the Lok Sabha he was Minister of Transport, Aviation, Shipping and Tourism. A member of the Congress Party, he was elected to the Lower House of India in 1967 and in the same year elected Speaker of the Fourth Lok Sabha. He is accompanied by Mr. S. L. Shakdher, Clerk of the Lok Sabha.

The relations between India and Canada are of the most intimate kind and visits like this only demonstrate the relationship that prevails between our two countries.

Hon. Senators: Hear, hear.

HON. NORMAN A. MACKENZIE

CANADIAN FORCES DECORATION

Hon. Daniel A. Lang: Honourable senators, I beg leave to rise on a question of privilege to draw your attention to a signal honour which has been conferred upon one of our colleagues.

One of my most vivid recollections as an undergraduate was being under the tutelage of an already renowned professor of international law by the name of Norman MacKenzie. His distinguished reputation in jurisprudence was exceeded in our eyes by what we all knew was one of the most remarkable war records among those who were teaching us in those days. I say remarkable because what I recall most distinctly about it is that, having served throughout the First World War, our Professor MacKenzie had enlisted as a private and had been discharged as one!

This, in our eyes, was indeed a record of rather questionable merit, having heard of the promotions generally by one who served over such an extended period of time and under very arduous circumstances. Of course, it was some time before we learned that our Professor MacKenzie was one of those men who preferred not to gain in rank but to serve continually and throughout the piece with his comrades in the thick of the fighting in the trenches. Our admiration for him under those circumstances knew no bounds, and I can assure you we thereafter paid very strict attention to his juridical injunctions.

Last week, at a ceremony in Victoria, Senator MacKenzie had conferred upon him by the Lieutenant-Governor of that province the Canadian Forces Decoration for distinguished service of over twelve continuous years in the Canadian armed forces.

Hon. Senators: Hear, hear.

Hon. Mr. Lang: I might add that this distinction, combined with other distinctions to which I will refer in a moment, is unique amongst those who have served in the armed forces of Canada.

The record of Senator MacKenzie in the First World War reads like an abbreviated history of First World War place names. That list of names includes such places as Ypres, 1916. I know that in Ypres the tower of the Cloth Hall was not in as good repair as it is in the painting in this Senate chamber. Indeed, the whole city was flat, with not a stone piled upon a stone. There are also such places as the Somme, Sanctuary Wood, Arras, Cambrai—battles in which our colleague was engaged first as a private in the Fourth Canadian Mounted Rifles, and later as a private in the 85th Nova Scotia Highlanders.

In recognition of his services on those fronts during that war, he received the Mons Star—more properly known as the 1914-15 Star—the Military Medal, and a bar to that medal. At that time and in subsequent times, he was tempted and pressured to take on the responsibility of a commission, but he did not do so.

During the Second World War our colleague distinguished himself as Chairman of the Wartime Information Board. As a result

of his services to our country in that capacity, he was made Companion of the Order of St. Michael and St. George, more commonly known as C.M.G.

I know that the other awards he has had throughout his lifetime will give him considerable trouble in fitting them on his breast, with the addition of this final accolade in recognition of his services to his country in war and peace.

I am sure all honourable senators will join with me in congratulating our colleague on this honour which was conferred on him last week, namely, that of the Canadian Forces Decoration, the C.D.

Hon. Senators: Hear, hear.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of The Canada Council, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 23 of the Canada Council Act, chapter 3, Statutes of Canada, 1957. (English and French texts).

Copy of Order in Council P.C. 1968-649, dated April 3, 1968, authorizing the manner in which Fishing Bounty may be distributed for the fiscal year ended March 31, 1968, together with a Statement of such payments for the said year, pursuant to section 4 of the Deep Sea Fisheries Act, chapter 61, R.S.C., 1952. (English and French texts).

PRIVATE BILLS

BRITISH NORTHWESTERN INSURANCE COMPANY AND AETNA CASUALTY COMPANY OF CANADA—AUTHORITY TO PRINT

Hon. T. D'Arcy Leonard, for Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill S-9, respecting British Northwestern Insurance Company, and Bill S-11, to incorporate Aetna Casualty Company of Canada:

Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Leonard: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

BRITISH NORTHWESTERN INSURANCE COMPANY—REPORT OF COMMITTEE

Hon. Mr. Leonard, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-9, respecting British Northwestern Insurance Company, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Hartland de M. Molson moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

AETNA CASUALTY COMPANY OF CANADA—REPORT OF COMMITTEE

Hon. Mr. Leonard, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-11, to incorporate Aetna Casualty Company of Canada, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. John J. Connolly, for Hon. Mr. Cook, moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CZECHOSLOVAKIAN REFUGEES

IMPLEMENTATION OF CANADIAN IMMIGRATION ARRANGEMENTS

Hon. Andrew Thompson: Honourable senators, I now ask for leave to call the attention of the Senate to my recent trip to Europe as a representative of the Minister of Manpower and Immigration in connection with the implementation of Canadian immigration arrangements for Czechoslovakian refugees.

The Hon. the Speaker: Honourable senators, does the honourable Senator Thompson have leave to proceed with his report?

Some Hon. Senators: Agreed.

Hon. Mr. Thompson: Honourable senators, the purpose of my 10-day tour of Europe was to provide a personal assessment for the Minister of Manpower and Immigration of his department's procedure and policy concerning Czechoslovakians who, because of the invasion by the Soviet Union and its Warsaw Pact allies, had decided or might decide to emigrate to Canada.

Let me say at the outset that I felt particularly privileged to be asked to do this. As honourable senators are perhaps aware from my accent, I am a naturalized citizen, and I think possibly the only senator who became a citizen when the new Citizenship Act was implemented. I think it was developed by the present honourable Leader of the Government, and I appreciate that he did this for me. May I say also that my wife is a post-war refugee from Europe and perhaps because of both our backgrounds, I was very interested to have the opportunity to see what is being done on behalf of the Czechoslovakians who have left their country.

It is very hard, honourable senators, to make a report without being emotional concerning this whole situation. Perhaps before I start to give statistics and some background with respect to the procedures, I could tell you of an incident that occurred a few days ago as I was flying back on a chartered aircraft carrying Czechoslovakian refugees. As we approached Canada we were all looking out the window and we saw a symphony of autumn colour. One little boy whose father for a period of 11 years had been imprisoned prior to being allowed out to do only menial work, was looking through the window and let out a cry, "It is Canada." Believe me, that sent a tingle up my spine. I was very proud of my country.

I would like to report on the order of the timetable which the department had arranged. As honourable senators realize, our departments of External Affairs and Manpower and Immigration work closely together, and therefore after a general briefing by the Deputy Minister of Manpower and Immigration, my first meeting was with Mr. Ritchie, our High Commissioner in the United Kingdom, and with Mr. Victor Millard, Director of Immigration Services for the United Kingdom and Ireland.

As of October 11, about 1,000 Czechoslovakians were temporary residents in Britain, which figure includes 200 students. All of these had visas for temporary entry into Britain. They are given short extensions and Britain is being liberal to the Czechoslovakian applicants who have opportunities and relatives in the United Kingdom. A scholarship fund is being set up and the students are being encouraged to apply for places in the universities in Britain.

I suppose the other main receiving country is Australia. Their policy toward the Czechoslovakians who are in Britain and in Europe generally is one of relaxed selection criteria, free passage in every case. The Canadian policy towards Czechoslovakians in Britain is of course uniform in application to those in Europe. Those who have not settled permanently there or are on temporary visas in Britain or Europe can apply for priority immigration interview, medical and visa control, and if the applicant has no funds, the Canadian Government has arranged to lend the money to cover the cost of transportation to Canada and, indeed, if the circumstances warrant it free passage is provided.

With respect to medical examinations, failure to pass does not mean automatic refusal. Such cases are referred to the Medical Service in Ottawa in order that facilities for treatment can be provided here, and, to date all Czechoslovakians emigrating to Canada, whether from the United Kingdom or Europe, have met our medical requirements.

I spoke of the students in the United Kingdom. In Canada, the federal Government—in response to offers of more than 200 places of free tuition arranged through the Association of Universities and Colleges of Canada—is making available to Czechoslovakian students who can qualify for immediate entry, a combination grant and loan on a 50-50 basis, of $1,200 a year. This would apply, of course, only to the first year, because in the second year they would come under the benefits all Canadian students get.

The Canadian Immigration Department in Britain and Europe does not push an aggressive, hard-sell approach to the non-resident Czechoslovakian. We do not have to. I do not think such an ambulance-chasing approach would be appreciated by the host countries, nor would it be appreciated by the Czechoslovakian. He is torn with concern and often deep anguish over the harsh events in his homeland and, understandably, he is fraught with indecision concerning whether to return, or to stay nearby an open border, or to emigrate to our country. It is a hard and bitter decision to leave one's homeland when you have had high aspirations that you were working towards a liberalized atmosphere.

I spent a morning with Mr. Millard, who is in charge of the United Kingdom and Ireland offices, and his senior officers, discussing their procedures. I talked with Dr. McQuade, who is Health and Welfare Director for Great Britain and the European area, and I watched our immigration officers interviewing Czechoslovakian applicants.

I would like to say a word about our immigration officers overseas. They are young graduates, often with post-graduate degrees. Many of them are post-war immigrants themselves and, therefore, with a knowledge of European languages and culture, but they all have the stamp of Canadians, and they have a deep pride in our country. Interlaced through their ranks are widely experienced, older immigration officers. I am sure that their experience is the equivalent of a university degree and is recognized as such by the department. I was immensely proud of and impressed by every member of the Immigration staff whom I met.

I sat in on interviews in every immigration office I visited. In London I watched a young officer, Miss Myhal. I do not know if honourable senators have ever sat in on the interview when someone is applying for entry into Canada. You can see the tension and apprehension in the face of the applicant. He is assessing Canada, not only through the information which the officer gives but also by the very attitude and demeanour of the officer. I found the officers to be kind and polite. They stood up, shook hands at the start of the interview, and at the end. Some of them even had biscuits behind their desks, and if young children came in with their parents they would hand these to the children.

Perhaps the greatest tribute comes from the Czechoslovakians themselves. They told me on the flight back how deeply affected they were by the kindness and politeness of our immigration officers. Yet, let me make it clear that the officers are frank and realistic in apprising applicants of the difficulties they would meet in Canada in professional acceptance and employment opportunities. It would be nonsense for anyone to suggest that any applicant is being told that the streets are paved with gold. They are advised that they have to be prepared to work at any job. Many of the officers who are advising them have themselves migrated to Canada, and they realize that it is unfair and unkind to raise the hopes of immigrants, and to try to lure them with false impressions of our country.

To date in the United Kingdom, Canada has accepted more Czechoslovakians than any other country, including the United States and Australia. I was very proud as I went to each country to see this record maintained. Canada, in respect of the number of Czechoslovakian immigrants it has received, stood at the top of every list.

I went then to Geneva where Mr. McWilliam is the Director of European Immigration. The Ambassador, Mr. Delisle, had arranged a luncheon conference for me with Mr. Jamieson and Mr. Woodward of the United Nations High Commissioner's office for refugees. From discussions in Geneva I learned that as of October 4 it was estimated that about 12,000 Czechoslovakian nationals were believed to be in Vienna; about 598 Czechoslovakians in France had requested an extension of their visas; there were approximately 3,000 Czechoslovakians in Germany who had not yet made a decision concerning their future and whether they would emigrate or not; and that there were about 2,400 Czechoslovakians in Italy.

I was greatly impressed by the scope of the dedication and wisdom of Mr. Jamieson and Mr. Woodward of the United Nations Refugee Commission. They had limited resources, but here again Canada stands high. Canada has provided $350,000 annually for the work for refugees, and this year there will be a significant increase in our contribution, as was announced by Mr. Sharp in his speech to the United Nations General Assembly on October 9.

From the figures which I quoted a few moments ago it can be seen that it is in Vienna that the pressure of applicants is to be found. Before I talk of the Canadian immigration officers' role in Vienna I should like to say a word of deep praise for the Austrian Government, which has been keeping its borders open and providing a haven for these refugees.

The border is open, and there is a flow back and forth. In Vienna before August 21 the Canadian Immigration office was staffed by an officer in charge and two counselling officers. These officers interviewed and issued visas to 3,300 immigrants in 1967. The office in Vienna has now received reinforcements in staff, and it is still able to deal with its normal flow of applicants while at the same time dealing with the Czechoslovakian refugees who wish to come to Canada. This staff is working overtime.

The head of the Canadian immigration office in Vienna is a young man, Mr. Zawisza.

He worked previously on a major project for Expo. He comes from Poland to Canada. He holds a postgraduate degree, is imbued with the importance of his work and is very proud to represent Canada in this vital work.

I was in Vienna at Thanksgiving, and Mr. Zawisza and his wife had arranged that all the staff would come for a Thanksgiving dinner. In a sense, they are out on a frontier, and yet they are very proud of being Canadians. They should be recognized by Canada. If I do nothing else today I can at least place a tribute to these men on the *Hansard* of the Senate. If that is all I do, I will still feel my trip was worthwhile. These men are working overtime and on a shift basis, and yet the process is a systematic one, with the immigration, medical, and visa control officers working as a team.

In early September there was some press criticism about the slowness with which the Canadian Government reacted to the Czechoslovakian crisis. I am satisfied that this criticism was not warranted. I recall that it was on August 22 that the tanks rumbled into Czechoslovakia; on September 4 the immigration officers were directed to begin processing Czechoslovakian refugees, and four days later the first refugees arrived in Canada. They are continuing to be processed at a very accelerated rate. All of our officers overseas are giving priority to the processing of the refugees.

As of tomorrow, October 24, some 3,377 Czechoslovakians will have arrived in Canada. Of these, 2,628 will have come on chartered flights from Vienna. So far 14 charters have arrived, and a further 16 have been arranged.

The situation in Austria, as we all know, is subject to sudden change. Up to this moment the border has remained open, but many Czechoslovakians have not yet made up their minds. If the border is closed then those remaining outside will undoubtedly decide to seek asylum in a western country. The Austrian Government may be faced with an increased burden. I know that the Immigration Department is watching the situation, and is also in close liaison with the United Nations High Commissioner for Refugees.

When I was in Austria I went out to visit a refugee camp which is run by the Austrian Government. In the past we have received in Canada Hungarians and others who have come through this camp. In less happy days it was a training centre for National Socialist youth, but today it is for refugees of any nationality. Austria accepts anyone, and I give that small country great credit for this humanitarian act. The camp is not ideal, and as winter comes on there will be the cost of heating it, but meals and beds are provided. Any Czechoslovaks in the camp who wish to come to Canada are processed very quickly by our people over there.

From Austria I went to Stuttgart, where I was met by Mr. Scott, the officer in charge of our immigration office, and also by Mr. Morrison, our regional officer. As we know, in West Germany there is a booming economy and I would think that many of the Czechs will be able to be adapted into that economy. There may be approximately 3,000 Czechoslovakians in West Germany who as yet have not made a decision concerning their future.

I was taken out to the refugee camp where the people from the Intergovernmental Committee for European Migration met us. I went to Zirendorf. The camp is in Zirendorf. Again, this is a camp which in former days had been an S.S. officers' training centre, but today one sees areas which have been converted for use by children. They have a magnificent nursery facility there, also individual rooms for families and rooms for single men.

One thing I should like to point out to the Senate is that there were a number of cars and motorcycles belonging to some of the refugees who had been able to cross the border. The situation, of course, is different from the Hungarian movement where the border had been closed and people had to flee by climbing over barbed wire, with the threat of bullets. Here, because the border is open, the people have perhaps a harder time in making the decision, for they are able to pass back and forth using cars, going back to see relatives and talk over the decision with them.

From Stuttgart I went to Italy, where Mr. MacDougal, the Immigration Director, met me. Again I met with the staff and was deeply impressed with them. It is almost like a United Nations with the talent for language and understanding of various cultures, yet again, I emphasize, always with the stamp of being Canadians. I talked with the staff and learned of the situation of Czechoslovakians in Yugoslavia and the numbers coming into Italy. Unfortunately, I did not have an opportunity to go out to the Italian Government refugee camp because I had to return to Vienna.

When I returned to Vienna it was my intention to see at first hand the type of transportation we provide for the Czechoslovakian refugees. I returned to Vienna,

where arrangements had been made for me by the Director of Immigration. I also had the opportunity to be briefed at a lunch given by our Ambassador, Mr. McCordick, in Vienna. I felt I now had gained some understanding of the situation there. At 4 a.m. I went out to the airport in Vienna where there were 200 refugees waiting for the plane. Again, I could not help feeling a sense of concern over their position. As we ate breakfast at the airport, I sensed that that breakfast prior to leaving probably had a bitter-sweet taste, because it is a hard tough decision to make, to get on a plane and fly away from loved ones and from home. Yet this was a decision which was made and is being made by so many.

I should like to say a word about the Air Canada staff, with whom I was deeply impressed. Mr. Hukl, who co-ordinates all the details concerning the flights and passengers, is at the airport with the Director of Immigration, listening to emergency problems which can arise.

Honourable senators can appreciate that with a group of 200 people, no matter what the purpose, there will be some emergency situations. With a group of 200 people who have turned away from their homeland and are making decisions to leave, there will certainly be difficult situations develop, and Mr. Hukl and the Director of Immigration impressed me with their compassion and understanding, yet firmness, as they handled this group.

I flew back to Canada with this group of refugees, and I was proud of what Air Canada is providing. The stewardesses on the plane were chosen because they have a knowledge of languages. They were enormously sympathetic to the people who were travelling. I talked to many of those travelling, because they speak some English, and I learned of their backgrounds. I learned also of their apprehensions about their new land. As I mentioned earlier, I watched their faces as we flew into Halifax.

Let me say a word about the people of Nova Scotia. Before we landed in Halifax I had been talking with a father and a little boy of two. There was also another family of a lawyer and a doctor who had lived in a tent outside Vienna for three weeks. The father of the little boy had been imprisoned for eleven years and was then allowed out of prison, provided he did menial work.

As we landed in Halifax I decided that perhaps they would like to symbolize the other refugees on the plane and would shake hands with the group in Halifax who were greeting us. I carried the little boy, who his father told me had been christened "Bobby" on the plane, because it was a Canadian name. Little Bobby went down the gangplank with me and the people of Halifax were out in full glory. They had a piper on hand, and all the refugees were looking through the windows with tears flowing at the hospitality which was so apparent—so apparent was this welcome which Canadians are giving.

Hon. Senators: Hear, hear.

Hon. Mr. Thompson: I would hope that this will extend right through. I realize that we want to keep the highest standards for our professional associations and our skilled trades, but when we think of the background of skills and professions which are coming to Canada I would hope that our professions, unions and others will take a second look at their requirements, examine the abilities these people have and try to work out some form of opportunity for them so that they can very soon make a contribution to Canada.

From Halifax I went to Montreal and thence to Toronto. I myself had become so immersed in the problems of the people that on Monday I went to look at our manpower offices and to meet friends I had met on the plane in order to find out how they were being processed into jobs and integrated into the Canadian community. I think the staff in Toronto where I went is pressured and overworked, and I know that the minister is looking at this situation.

Honourable senators, my final contact with my friends, with whom I flew across on their first day, was to take three of them to the Westbury Hotel in Toronto to give them a fitting first meal on arrival in Canada. They drank a toast to Canada and talked to me of their deep appreciation of the kindness which we have shown. They vowed to me that they would work in order to help and to develop our country.

Honourable senators, what are the conclusions at which I arrived from this trip? I must say, first, that I was sent by the minister and some of the points of discussions I have had with him must wait for decisions by him. My own conclusions are these.

Because the political situation in Czechoslovakia is still fluid and the borders are still open, the flow of Czechoslovakians includes both the economic migrant and the political refugee. Canada has acted with compassion and understanding to a people who have had curtailed their advancement towards freedom.

I am sure that our compassionate act has not been disregarded by the grapevine which sweeps through the Soviet orbit.

Canada has been sensitive to the justifiable indecision by many Czechoslovakians who were visiting outside their homeland at the time of invasion. We have not been acting like aggressive hucksters, pressing for people to migrate. We have recognized that the decision to immigrate is a major decision and that therefore some do linger from a desire to demonstrate solidarity with their compatriots in Czechoslovakia.

I firmly believe that we rightly moved to give selective treatment to Czechoslovakia when the Russian tanks rumbled into their homeland. But there are many refugees in Europe and all Czechoslovakians, no matter whether they are economic migrants or refugees, cannot continue indefinitely to be given priority over other refugees who apply. The department has a traditional policy for all bona fide refugees.

I am confident that any earlier indoctrination to which these people were subjected will be washed away in the invigorating climate of private initiative and democratic freedom. Indeed, it is that drive for personal freedom which caused their move from Czechoslovakia.

From my conversations with the Czechoslovak refugees, I believe they feel that Mr. Dubcek will be maintained in office until a Soviet puppet is fashioned to take his place. The border may remain open for several more months and this may be done for prestige reasons or in the hope of luring skilled and professional people back home. It has been the practice in the Soviet Union, when they annex a small nation, to eliminate the intelligentia through prison and freight cars. In Czechoslovakia many of the intelligentia were, fortunately, outside the borders.

I believe, as Senator Lang, Senator Leonard and others who have spoken said, that the Soviet invasion of Czechoslovakia has bared the cynical ruthlessness of the communist system, and it emphasizes the vital necessity of maintaining our part in the NATO Alliance.

SUPREME COURT ACT

BILL TO AMEND—THIRD READING

Hon. Paul Martin moved the third reading of Bill S-8, to amend the Supreme Court Act.

Hon. Arthur W. Roebuck: Honourable senators, may I take advantage of this opportunity to express my thanks to Senator Thompson for the magnificent report which he has just given to this house. I thank him for the assurance which he has given us of the kindness and efficiency with which our officers abroad are conducting their work, particularly as to the refugees from Czechoslovakia.

I may say that I have experienced a certain thrill of pride in the recounting which the senator has given us of the work that Canada has done, of the kindness and the hospitality which we have shown to the refugees from that sad European land. I congratulate the honourable senator on the full report that he has made, with a certain emotionalism that struck a responsive chord in my breast.

Honourable senators, it is my duty to address you in connection with Bill S-8. I wish to assure you at once that it is not my intention to repeat the statements I have already made unless, of course, they are incidental to what I have in mind. What I have said is on record and stands, but there are some controversies that have arisen since I spoke, which I suggest calls for some response by me.

I would like to make a preliminary remark or two. I quoted a phrase "let justice be done, though the heavens fall", which I attributed to a high court judge in some ancient case, and not to the Book of Proverbs. Now, I find that I was right in that. I consulted a dictionary of quotations and I find it attributed to Lord Mansfield, in the case of *Rex v. Wilkes*, tried in England in 1768. Lord Mansfield, as you all know is one of the great judges of England. At that time, he was quoting a legal maxim which was current in the courts so long ago and which is still current both in and out of the courts of all nations of the Commonwealth. However, my friend Senator Phillips of Rigaud found, I think mistakenly, in my words an inference that the authors of the ancient Book of Proverbs were not interested in seeing that justice be done to the poor, and he put on record quite a number of quotations from the Book of Proverbs, for which I thank him. But quite contrary to the inference which was suggested, my thought on the spur of the moment was that the phrase might have come from the Book of Proverbs because it was so much in line with the thinking of the writers of that ancient script. I had no such inference in mind, and I suggest that it was not justified even in the words I used at that time. I think my friend

took advantage of it to give us the philosophy of the Book of Proverbs rather than to reprove me.

I may say that I have enjoyed reading the two speeches which my honoured friend made in this house regarding this matter. I find both of them most admirable in every way. They were clear and accurate; they were couched in splendid and beautiful language, and contained very little on a study of the words with which I need to take issue.

The Senator from Rigaud sponsored this bill and he was duty bound to support it, which he did, while on the other hand I have found in the bill trends with which I heartily disagree, but I would like to assure him and the house that such a divergence of our views involves no clash in fundamentals as between the honourable senator and myself.

I thank Senator Phillips for the kind compliments which he paid me and for the longstanding friendship between us which he so beautifully expressed.

Now, there are certain outstanding features in this bill to which I have taken objection, and those objections have been attacked by other speakers. This is the outstanding thesis of my speech. The bill includes *per saltum* appeals with other classifications of appeals against which the doors of the courts are closed when the amount in issue does not exceed the sum of $10,000, thus completing and intensifying the limitation on the jurisdiction of the court which was imposed by the amendment to the Supreme Court Act of 1956.

Now, my friend the honourable Salter Hayden argues that I was a member of the Senate in 1956 when this amendment was passed and in that way I have some responsibility for its passage in the Senate. I would like it understood that I am not on trial for errors of omission which I may be accused of committing some 12 or 13 years ago, nor will I debate the subject on that basis. Our concern now is in regard to the law which places a price tag on a court of justice, and which in my mind draws an invidious distinction between big and little litigants, an evil principle, in my judgment, which this bill intensifies.

Senator Hayden argued that the restrictions on the jurisdiction of the court to cases in which the amount in issue is in excess of $10,000 does not disfavour the poor as compared with the rich.

I regret that Senator Hayden is not present at this time, but may I say that he and I have worked together on many occasions in friendship and in mutual confidence—at least I hope it was mutual. I have often expressed my admiration for the clarity with which he reports from time to time on the activities of the Standing Committee on Banking and Commerce.

One of the best features of this chamber of which I so highly approve and of which I am proud, is that we can differ here and are adult enough to clash without pulling our punches, and yet to retain that warm friendship which exists between our members, irrespective of party. It not only makes for happy personal relations but it is wise as it permits us to apply our judgment solely to the subject at hand.

Having said that and having made it perfectly clear that there is nothing but friendship between us, let me quote what he said in the October 16 issue of *Hansard* on page 292. He says in effect, it may well be that the rich man gets the smaller judgment, while the poor man who has suffered real injury may appeal to the jury on the ground of loss of earning power and get a big judgment. In other words, the poor man must be mauled, due to the negligence of a defendant, so severely that it affects his earning power and moves the sympathy of the jury, in order to place him on an equality with another man who has an issue of $10,000 and accordingly may appeal as of right.

Senator Hayden's long training in making the best of a case is well known, but I think in this instance he goes perhaps a bit too far. It is of course clear that it is possible for a little man to have a big case.

Hon. Mr. Flynn: Or for a big man to have a small case.

Hon. Mr. Roebuck: But, we all know that as a rule men big in commerce and affairs do deal in big amounts while ordinary men as a rule deal in smaller amounts.

Hon. Mr. Choquette: May I ask a question? I think it is recognized, that in our courts today 80 per cent of the trials result from claims for personal injuries suffered in automobile accidents. The small man is struck down and run over, and he is being awarded high verdicts of $25,000 to $100,000. So I am asking why you still make the distinction between the poor little man and the big wealthy man? I fail to see that distinction.

Hon. Mr. Roebuck: My answer is that I am not making that distinction; it is this bill and that of 1956 which make that distinction.

While there are a number of automobile accident cases, the great majority of judgments do not exceed $10,000.

It is possible, and I have already said so, that an ordinary man may sometimes get a big judgment, but as a rule corporations and rich men have the big cases and little men have the little cases.

Senator Hayden excuses the $10,000 limitation on the ground that by section 41 of the act the citizen may apply, at his own expense, for leave to appeal, a procedure which is not imposed on the man with the $10,000 in issue.

Hon. Mr. Flynn: And on a question of law.

Hon. Mr. Roebuck: That is another matter, I will come to that in due season. At page 293 of *Hansard* he says:

> In the legislation we are now considering everyone has the same right;—

And I emphasize those words "the same right".

> One is an absolute right of appeal and the other is a right of appeal with leave, for whatever ground he can urge, and if it is not meritorious he should not be granted leave, in my opinion.

"The same right". This is rather like giving a big peach to a big boy and a peanut to a small one and telling them they are treated equally.

Surely, all appeals should be meritorious. But does Senator Hayden contend that all appeals and all people who appeal in cases involving a sum greater than $10,000 are meritorious while only those who fail in the means test are of doubtful merit? If so, he has a rather higher opinion of some of the litigants with big claims than I have. And further, when the case is doubtful because the amount in issue is less than $10,000, the individual should have access to the court at the pleasure of the court after a scrutiny in the course of a special application.

Well, honourable senators, if merit, found in advance, is the criterion for entrance to the Supreme Court of Canada, my submission to you is that it should be applied to everyone, not only to those with small cases while exempting those with big cases.

At page 293 of *Hansard* Senator Hayden further says that the Supreme Court of Canada in the granting of leave, and I quote:

> —is not fettered by any direction or guidelines. They can exercise their discretion; they can grant leave with or without reasons—

I submit that Senator Hayden would have been fairer had he told you that in actual practice in the Supreme court the justice of an applicant's cause is not the sole criterion by which the court judges in granting or withholding leave to appeal, in accordance with that unfettered discretion which he has described. Senator Hayden knows very well that a very great factor in the decision of whether or not to grant leave is whether or not the judgment in the case which will be given later is likely to contribute to the general jurisprudence of Canada, something in which the litigant is not especially interested. It would be fairer were the litigants, both big and little, made use of in the same way.

Honourable senators, the more I listen to the defenders of this bill, the more impressed I am with the enormity of drawing a distinction between litigants on a money basis. There should be no price tag on any court of justice. The subject should have right of access to this, the highest court in the land, irrespective of how much money is in issue.

There have been attempts to justify restricting appeals to the Supreme Court of Canada to questions of law only, to the exclusion of questions of fact, on the ground that the trial judge who heard the evidence is best qualified to assess the credibility of the witnesses. Quite so! And all appeal court judges from time immemorial have worked on that theory, but up to now seldom has anyone thought it necessary to outlaw questions of fact in a court's jurisdiction. It is not banned in the provincial courts; why should it be banned in the Supreme Court—unless it be of course that the purpose is to lessen the number of litigants and thus reduce the service which the court would otherwise render to the people of Canada.

Now, on the question of *habeas corpus*, I objected to the abolition of the right to make application to individual judges of the Supreme Court for writs of habeas corpus, and Senator Hayden recalled that he and I were most active a number of years ago in the revision of the Criminal Code. Honourable senators, we were indeed! The implication of that statement was that I am in some way responsible for the results. Well, I admit the responsibility and take the credit. We made over 80 amendments to the Criminal Code, as it came to us from the Department of Justice, which were later accepted with thanks by the officials. But if there is any suggestion that I was not on the side of the ordinary man, and jealous of his rights, I say it is an error. May I recall, just incidentally, that I initiated the

amendment granting a right of appeal in cases of contempt of court, and I wondered what reception I would receive when I next appeared in a court where that amendment applied. To my surprise and pleasure I found that the judges were all in favour of it, because it took away from the arbitrariness of such judgments. One of them told me that they would be much freer to exercise that power when an appeal could be taken from their decision.

The point of all this is that we substituted at that time an appeal to the Court of Appeal for the right that then existed of applying to one judge after another for a writ of habeas corpus. I was reluctant to make that change. The senator did not tell you why he and I consented. It was because there was a ready access to any judge of the Supreme Court, or one after another of the Supreme Court, if that was necessary, which we thought was a sufficient protection in cases of emergency, and we nailed that down in section 690 of the Criminal Code.

Section 690 of the Criminal Code reads as follows:

> Nothing in this Act limits or affects any provision of the Supreme Court Act that relates to writs of *habeas corpus* arising out of criminal matters.

That is, we nailed that down and made it perfectly sure that what we were doing at that time did not affect this right which is now being taken away.

If it is enacted, this bill will destroy the protection which we at that time so carefully preserved and guarded. This bill destroys the right of the subject who may be wrongfully detained of coming to a Supreme Court judge for a writ of habeas corpus, and restricts him to the lengthy, sometimes cumbersome and often slow process of an appeal to a provincial Court of Appeal before he even reaches a right of appeal to the Supreme Court of Canada.

Now may I ask honourable senators why all this pruning of the Supreme Court and its jurisdiction, unless it be of course that the court is overburdened with many cases so that it is unable to give to each one the meticulous consideration which is this court's pride and its best virtue? If so, the whole tenor of this bill, in cutting down the services which the court may render, is not the right solution.

Senator Prowse has suggested the proper solution. He observed that appeals from the Exchequer Court absorb an undue proportion of the Supreme Court's time. Special arrangements, honourable senators, are made for appeals in quite a number of divisions. A special tribunal has been provided in labour cases, in immigration cases, and, by action of this chamber some few years ago, in taxation cases. Those courts, for special appeals, have been working very satisfactorily in the years that have followed. Why not in revenue cases, for instance, in patent and copyright cases, in trade mark cases and the like, which come from the Exchequer Court? Why not have some special arrangements for these cases? These are time-consuming appeals from the Exchequer Court and could be dealt with by a special tribunal. Then it would leave the Supreme Court of Canada free to hear cases, without monetary distinctions, from the ten Canadian provinces. That was the purpose for which this court was originally constituted. And that is what I meant when I spoke earlier of returning this admirable court of ours to the people of Canada.

Of course I will vote against this measure, but, however the chips may fall, I have prompted the powers that be, including the new and young Minister of Justice, to take a new and hard look at the arrangements that affect this Court of Appeal.

Hon. Jacques Flynn: Honourable senators, since I intend to vote for this bill, I cannot leave the remarks of Senator Roebuck unchallenged on the record. With all due deference, it seems to me that some points should be made now. I do not intend to rehash the replies, very adequate as they were, made to all the points raised by Senator Roebuck by the honourable Senator Phillips (Rigaud) and Senator Hayden. However, I think the criticism of Senator Roebuck goes to the root of our whole judicial system—

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Flynn: —and it may be that we have been wrong for thousands of years, but that is what he is implying today. If he wants a completely new system, he may be right, but he has not indicated what kind of system he would like to replace our present one.

The first observation I would like to make, before I touch on the proposition that I have just taken, is with regard to increasing or adjusting the amount involved in a case for an appeal *per saltum* from $2,000 to $10,000, the principle having been accepted years ago.

May I suggest to the honourable senator that $10,000 today is not worth more than $2,000 at the time the law provided for this

figure for an appeal to the Supreme Court. Therefore, by increasing the amount to $10,000 the bill does not involve any question of principle. It is exactly what we had then, and we are simply adjusting the figure to take into account the present value of our money.

I said that Senator Roebuck is arguing against the general principle of the organization of our courts.

Does he suggest that we should have only one court? Does he suggest that the Supreme Court of Canada should be the only court in the land? If not, why make the several jurisdictions, for instance, in the ordinary courts of the provinces? Why should we have a county court in Ontario, and a supreme court, and an appellate division? Why in the Province of Quebec should we have a provincial court, a superior court, and an appeal court? In the provincial court in Quebec we have jurisdiction at present up to, if I am not mistaken, $1,000 or maybe $500. There is no appeal to the appeal court of the province from a decision involving less than $500, and I understand the same principle applies in Ontario and all across Canada.

This is the principle. It has been agreed that we cannot have an appellate court or a superior court deal with all the cases which are the responsibility of a lower court. There has to be a division of responsibility and a division of work.

If we want the Supreme Court to deal with all those cases, then we will not have to double the number of justices, but we will have to multiply it by a thousand.

Hon. Mr. Roebuck: No.

Hon. Mr. Flynn: If the argument of Senator Roebuck is accepted, this will be the conclusion. So, I say that he goes against the principle of having several courts deal with different problems, all more or less important, and I say again that he touches on the general principle of the setting up of appeal courts. Appeal courts are there, as he says, to give uniformity to jurisprudence, and the idea is to bring before these courts the cases which have more meaning in respect of uniformity of jurisprudence. That is the purpose of an appeal court, otherwise the honourable senator is suggesting that the so-called inferior courts, which may include the Superior Court of Quebec and the Supreme Court of Ontario, are unable to render justice; that they are unfair to the poor man he is speaking of.

I do not accept the implication that because there is no appeal there is necessarily an injustice. It is only wise from the viewpoint of the legislature not to allow an appeal in cases involving only $500 or $1,000. It sometimes happens that a litigant has lost enough already in costs and should not be tempted into going to a higher court. I think it is in wisdom that the legislature has acted as it has acted up to now in allowing appeals only when a principle involved or the amount involved justifies it.

I suggest that the discretion given to the Supreme Court by section 41, in respect to granting leave to appeal in all cases where three judges so decide, is all that is necessary. I think it is reasonable that three judges should decide upon whether leave to appeal is granted or not, because there has to be uniformity in such decisions. Such a decision cannot be left to the fancy of only one member of the court.

I suggest that this discretion is sufficient to guarantee that the Supreme Court will be as much a court of the poor man as of the rich. In voting for this bill I will not accept the charge that I am slamming the door of the Supreme Court in the face of the poor man.

Hon. Lazarus Phillips: Honourable senators, may I first take advantage of this opportunity to thank Senator Roebuck for his very gracious and warm references to me. I appreciate the fact that because I have been a member of this chamber for such a short period of time he has treated me lightly in comparison with his treatment of my other colleagues who have spoken in favour of this bill. I should like to say that the gracious and stately manner in which Senator Roebuck presented his case today prompts me, on your behalf as well as mine, to voice the prayer that Divine Providence will grant him long life and good health so that he may continue to grace this chamber and render the same extraordinary services that he has already rendered, not only to the Parliament of Canada but to the whole country.

Hon. Senators: Hear, hear.

Hon. Mr. Phillips: The honourable Leader of the Opposition (Hon. Mr. Flynn) has replied to the speech just made by Senator Roebuck, and he has dealt with one or two of the points that I otherwise wished to make. In the two presentations I have already made, honourable senators, I covered at considerable length, and to the best of my ability, the explanations of the amendments in this bill, and it would be redundant for me to recapitulate them because I would be simply

saying the same thing although perhaps in different language. I should like, therefore, to refer honourable senators to that which I have previously stated, and I sincerely hope that a careful study of those observations will in themselves constitute a reply to my dear friend Senator Roebuck.

However, before concluding, I do wish to make two observations which, although slightly repetitious, may be in point. The concept that confining appeals to questions of law introduces something novel in the administration of our judicial system is, to my mind, not valid. I should like to refer Senator Roebuck to the Criminal Code. Under the Criminal Code, appeals to the Supreme Court of Canada in cases other than those involving an offence punishable by death are confined to questions of law. In the entire criminal law of our country under the Criminal Code, issues of law are the only issues that can be brought before the Supreme Court of Canada, other than issues respecting offences punishable by death.

All activities that involve a possible application of the Criminal Code are as important as anything else, and yet in respect of issues envisaged by the Criminal Code a citizen of this country can only apply to the Supreme Court of Canada for relief when he can indicate that there is a question of law involved, and this is true of everything under the Criminal Code except offences punishable by death.

The other point I should like to make is a very important one, and it involves *habeas corpus*. It will be remembered that in my first presentation of this bill I placed some emphasis on the amendments concerning *habeas corpus*. I stated that I thought it was my duty in explaining the terms of the bill to indicate why we were taking away from the judges of the Supreme Court of Canada the right of original jurisdiction in respect of *habeas corpus*. I said that in my humble opinion this was the most important amendment in the bill, and I pointed out that the amendments to the Criminal Code created a situation where the original jurisdiction of the judges of the Supreme Court in matters of *habeas corpus* was inconsistent with the appellate jurisdiction which was given to it in virtue of prior amendments to the Criminal Code.

Since that time I have had occasion to go further into this question, and I wish to assure honourable senators that in respect of the taking away of original jurisdiction in matters of *habeas corpus* from the Supreme Court of Canada we have a precedent. We have a precedent from the country which created the whole concept of the law of *habeas corpus*, namely, the United Kingdom itself. When we speak of *habeas corpus* we speak, in a sense, of the United Kingdom.

What is the law of *habeas corpus* in the United Kingdom? I quote from a memorandum that I have before me:

> In the United Kingdom the judges of the Court of Appeal and the House of Lords do not have any original jurisdiction in *habeas corpus* proceedings.

I repeat:

> In the United Kingdom the Judges of the Court of Appeal and the House of Lords do not have any original jurisdiction in *habeas corpus* proceedings.

Original jurisdiction in *habeas corpus* is vested in the High Court of Justice and is exercised by the Queen's Bench Division and the judges of the High Court of Justice; that is to say, courts lower than the House of Lords and the Court of Appeal. That is the law in the United Kingdom. Surely in this respect, because of the close association of *habeas corpus* with the United Kingdom, we should not be concerned if we eliminate the right of original jurisdiction vested presently in the judges of the Supreme Court.

Perhaps honourable senators will allow me to read into the record my authority for what I believe to be a very important statement. The authority is *Halsbury's Laws of England*, third edition, volume 7, page 28, and volume 9, pages 359 and 418.

In conclusion, honourable senators, I thank other senators who have referred so kindly to me during the course of this debate.

Motion agreed to and bill read third time, on division, and passed.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 260 to 307, inclusive, which were presented yesterday.

On motion of Honourable Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 257, for the relief of Patrick Joseph Cashman.

Resolution 258, for the relief of Paul Emile Touchette.

Resolution 259, for the relief of Doreen St. Denis Zammit.

Resolution 260, for the relief of Robert Pilon.

Resolution 261, for the relief of Marthe Pierrette Marie Morin Pidgeon.

Resolution 262, for the relief of Paul Eugene Lapierre.

Resolution 263, for the relief of Dorothy Agnes Power Thompson.

Resolution 264, for the relief of Mary Crichton Bramson.

Resolution 265, for the relief of Sandra Dianne Maskell Fender.

Resolution 266, for the relief of Marie Therese Lucile Lisette Desrosiers Perreault.

Resolution 267, for the relief of Edward Henry Doyle.

Resolution 268, for the relief of Barbara May Tebbs Bostock.

Resolution 269, for the relief of Raymond Chevalier.

Resolution 270, for the relief of Belva Evelyn Nash Taylor.

Resolution 271, for the relief of Andre Chartrand.

Resolution 272, for the relief of Monique Garnier Lescieux.

Resolution 273, for the relief of Shirley Ann Wallbridge Latter.

Resolution 274, for the relief of Noreen Elizabeth Alkern Nye.

Resolution 275, for the relief of Lise Bouffard Fournier.

Resolution 276, for the relief of Raymond Bertrand.

Resolution 277, for the relief of Basile Grosso.

Resolution 278, for the relief of Marie Louise Germaine Bouret Cote.

Resolution 279, for the relief of Maria Elisabeth Frauenfelder Dufresne.

Resolution 280, for the relief of Venant Felix Michaud.

Resolution 281, for the relief of Carole Linda Richmond Blumenthal.

Resolution 282, for the relief of Joyce Eleanor Cairns Demesmaker.

Resolution 283, for the relief of Rollande Touchette Carreau.

Resolution 284, for the relief of Annie (Hania) Binik Dawidzon, otherwise known as Annie (Hania) Binik Davidson.

Resolution 285, for the relief of Leo Pepin.

Resolution 286, for the relief of Susan Elizabeth Walker Rea.

Resolution 287, for the relief of Susan Patricia Weidman Hollenberg.

Resolution 288, for the relief of Norman Leonard.

Resolution 289, for the relief of Michele Cousineau Lalonde.

Resolution 290, for the relief of Marjorie Helen Oswald Crooks.

Resolution 291, for the relief of Hildburg Siegrun Niehuser Van Edig.

Resolution 292, for the relief of Margaret Alice Middleton Derbyshire.

Resolution 293, for the relief of Paul Arthur Henri Gelinas.

Resolution 294, for the relief of Florence Graham Angus Holland.

Resolution 295, for the relief of Albert John McCaskie.

Resolution 296, for the relief of Sylvia Daphne Lummis Herren.

Resolution 297, for the relief of Rubin (Ruby) Abraham Myers.

Resolution 298, for the relief of Harriet Sherman Wasserman.

Resolution 299, for the relief of Florence Walker Cavaluccio.

Resolution 300, for the relief of Walter John Warren Millman.

Resolution 301, for the relief of Everett Allan Beebe.

Resolution 302, for the relief of Adriana van Barneveld van Wijnen, otherwise known as Adriana van Barneveld van Wynen.

Resolution 303, for the relief of Jacqueline Gagnon Hebert.

Resolution 304, for the relief of Judith Gail Stanley Carney.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be placed on the

Orders of the Day for consideration on Tuesday next.

Motion agreed to.

CANADA EVIDENCE ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Second Reading of Bill S-3, intituled: "An Act to amend the Canada Evidence Act".—(Honourable Senator Martin, P.C.)

Hon. Mr. Martin: This order will stand.

Hon. Mr. Flynn: Until when?

Hon. Mr. Martin: I indicated previously that it was the wish of the Minister of Justice that the profession, the judiciary and the public be given an opportunity to examine the bill. There is to be a meeting of the judges in Quebec on November 4, and it may be that shortly thereafter we will be in a position to proceed with the bill.

Hon. Mr. Flynn: Thank you.

Order stands.

JUDGES ACT

BILL TO AMEND—SECOND READING

Hon. Richard J. Stanbury moved the second reading of Bill C-114, to amend the Judges Act.

He said: Honourable senators, the purpose of the amendments contained in this bill is to authorize the provision of salaries for 14 additional judges, 11 judges of the Superior Court of Quebec and three judges in the county and district courts of Ontario.

The requirement to pass this legislation comes from the British North America Act which, as honourable senators are aware, provides in section 92, subsection 14:

> The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.

Section 100 of the British North America Act says that the salaries, allowances and pensions of Superior and county court judges are to be fixed and provided by Parliament.

The Ontario Legislature has passed an amendment to the County Judges Act requesting that these positions be set up. The same thing has been done in the Province of Quebec by amendment to the Courts of Justice Act. It is almost automatic for the federal Government to respond favourably to these requests from provincial governments.

It may be of interest to honourable senators to know that while there has been in the past a request every once in a while, sometimes at close intervals and sometimes at inconvenience to the House of Commons and to the Senate, they have been brought forward on an irregular basis. The Minister of Justice has now asked the provinces to bring forward their requirements for each year by the month of June in that year, with the hope that the Parliament of Canada will be able to deal with these requests during the fall of the same year, and in that way bring some regularity to the amendments to the Judges Act. The requests have therefore been made by the provinces, and I think the purposes are well understood by honourable senators.

The natural increase in the amount of work required by our courts, in addition to the fact that in some provinces they now have legal aid, has increased the requirements of the court. Also, the amendments to divorce legislation have resulted, particularly in Quebec, in a very substantial increase in the number of cases before the court, and therefore an increase in the work of the judges.

I do not intend to speak for long in explanation of this bill, but if there is further debate and there are questions I will be pleased to answer them. However, I believe it to be a straightforward matter in this house.

[*Translation*]

Hon. Léon Methot: Honourable senators, the amendment to the judges act which this bill would enact certainly answers a need which the government must meet. That is why I say now that I approve this bill.

[*English*]

For some time, in Quebec, it has been said that we were in need of more judges of the superior court and that cases ready to proceed were waiting on the rolls for judges to hear them. The new jurisdiction given to the superior court in divorce matters will also certainly increase the work of the judges of the superior court and create a situation which must be prevented.

According to the British North America Act, Article 92, subparagraph 14, the administration of justice in the province—including the constitution, maintenance and organization of provincial courts, both civil and criminal—is the responsibility of the province.

I am informed that the Province of Quebec has accepted the proposal that the divorce laws be decided there. This is the most important reason why the number of judges must be increased.

According to Article 100 of the same act, the salaries, allowances and pensions of the judges of the superior court must be fixed and provided by the Parliament of Canada. So to settle the actual situation, new judges must be appointed and we must also authorize the provision of salaries for the additional judges.

The new jurisdiction of the superior court in divorce matters has increased for the judges a work-load which was already extremely heavy and perhaps too heavy in Montreal and Quebec and in many other districts. I must admit that in my own district of Trois Rivières, where we had two judges, a third one was appointed, and I am sure that the litigants have benefited greatly.

On the other hand, if two courts are created for divorce cases in the province, one in Montreal and one in Quebec, I am convinced that we are certainly in need of more judges to dispose of the cases in these two districts.

I understand that the province is to be divided into two districts, one for appeals from rural districts west of Montreal, while those from Trois Rivières would go to Quebec. I understand they have actually appointed two registrars. For example, if a petition is taken by a lawyer in Trois Rivières, it would be referred to Quebec, while one from Sherbrooke would be referred to Montreal. Therefore, they will be in need of new judges to deal with those cases.

I am informed that the Quebec legislature has provided for 11 new judgeships for the superior court of the province, namely, three for the judicial appeal district in Quebec and eight for the judicial appeal district in Montreal. As far as the judicial district in Quebec is concerned, I am told that one of the three judges will be assigned to the new jurisdiction assumed by the province in divorce matters, and in the district of Montreal I am advised that five of the eight judges will be assigned to that new jurisdiction.

The other appointments result from the increased work-load of the courts. The law of the Province of Quebec authorizing the appointment of 11 new judges was given Royal Assent on July 5, 1968, and the section dealing in the number of the superior court judges is to become effective on the day of proclamation, which I am told will be within a few days.

According to the information I was able to obtain, the superior court of the Province of Quebec, when organized, will have to take the consideration of the 3,000 to 4,000 cases of divorce in the province, and it is expected that 80 per cent of these petitions in divorce may go to the district of Montreal.

Under such circumstances, I am absolutely convinced that this legislation meets a necessity and that in approving this bill we will give good justice.

Hon. Mr. Roebuck: Do I understand the honourable senator to say there are 4,000 cases?

Hon. Mr. Méthot: There are 3,000 to 4,000 cases, of which 2,000 will go to Montreal.

[*Translation*]

Hon. L. M. Gouin: Honourable senators, I only have a few words to add to the remarks so ably expressed by my colleagues, Senator Stanbury and Senator Méthot.

I was admitted to the Bar over fifty years ago, and I still practise in the Montreal district.

I am personally aware of the delays caused by the number of cases listed on the role, which in certain cases are there for years. It almost amounts to a denial of justice to the population as a whole.

Therefore, the new proposals under study are an absolute necessity. I do hope this honourable chamber will adopt them and that we can soon have an additional number of judges, for which there is a crying need.

[*English*]

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Hon. Mr. Stanbury: I move that the bill be placed on Orders of the Day for third reading at the next sitting.

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, October 24, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

UNITED NATIONS ORGANIZATION

TWENTY-THIRD ANNIVERSARY

Hon. Paul Martin: Honourable senators, before we proceed with the Presentation of Petitions, and with leave of the Senate, I am sure we would wish to record our gratification that today we are marking the twenty-third anniversary of the founding of the United Nations. It was appropriate that during the period of prayer we should have been reminded of this anniversary.

The United Nations Organization has survived many vicissitudes. It came into being in 1945 as a result of a declaration signed in San Francisco by some 50 nations. Canada was among the countries to affix its signature in solemn commitment to the purposes of the charter.

This is not the first collective security system that mankind has contrived to resist war. In a sense, the United Nations is a successor to its predecessor organization, the League of Nations, and is based on the same principles embodied in the Covenant of the League of Nations. We recall as an historic fact that Senator Dandurand played a notable part in the League of Nations as President of that body for a period of time, and that he brought great distinction to this chamber and to his country in his contribution towards pacification at that time.

The United Nations has been faced with many serious problems. It has not met the expectations of its founders. Nevertheless, in the world in which it has had to survive, its record of achievement is commendable. It would be too much to expect that in a period of less than a quarter of a century the nations could conceive of or create an organization which would eliminate war as an instrument of national policy.

Honourable senators, it is sufficient at this time for us to reaffirm our faith in the rule of law and in its applicability to the world community. It is sufficient at this time for us to reaffirm our faith in the principles embodied in the Charter of the United Nations and in the international law which it denotes. Therefore, I rise at this time, as Leader of the Government in this chamber, to rededicate the Government of our country and the people of Canada to the high purposes of the United Nations.

[*Translation*]

Hon. Jacques Flynn: Honourable senators, it was fitting that the Leader of the Government should remind us that we are celebrating today the 23rd anniversary of the United Nations Organization.

As with any other organization set up by men, experience in this case has shown some good results and some less happy ones. However, I think that no criticism levelled at that Organization has ever stood up against the argument that it is essential today to recognize in some way or other the interdependence of peoples and nations.

If the United Nations Organization were to disappear, it would have to be replaced by some other organization. That was our experience with the League of Nations. The League of Nations disappeared, but right after the war all the allies and almost all the countries which had not waged war against the allies recognized that it was urgent to get together, to create that organization which is first of all a forum to discuss international problems and differences of opinion among nations; an organization which is also a tribunal where any nation can state its grievances—perhaps not a tribunal in the technical sense of the word but certainly a tribunal which calls upon public opinion. Moreover, an alert public opinion is essential to the maintenance of peace in the world and, in any event, to the pursuit of that peace—a way of coexistence for the nations which will ultimately abolish once and for all the need to resort to force to settle conflicts between nations.

Therefore, it was necessary and essential to recall once again, as we do every year, the role of the United Nations Organization. It is also essential to keep the public well informed on the achievements of the organization. It is more to be credited than to be blamed.

Canadians, in all spheres of society, must realize the need to maintain this organization. Canada has always been loyal to its objectives, and Canadians have every reason to be satisfied with this policy, this loyalty. They could not do better than to go on supporting the United Nations Organization, and hence

the principle of co-operation, of interdependence of nations, and the pursuit of peace in the world.

[*English*]

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, October 29, 1968, at 8 p.m.

Again, I would outline the program as I see it for next week. It will be noted that in the motion I have made, unlike others in the previous three weeks, it is proposed that we should resume our sitting at 8 o'clock in the evening rather than in the afternoon.

The Special Committee on the Rules of the Senate, under the chairmanship of Senator Molson, has been meeting at every available interval. It is felt that it ought to be given an opportunity for a more continuous run. Senator Molson advises me that the Special Committee on the Rules of the Senate is going to meet Tuesday afternoon at 3 p.m. and in view of the important work which I am sure it is engaged in, it seems that this would fit in with the motion that I have made for a meeting at 8 o'clock on Tuesday evening.

Next week we will continue with the Farm Improvement Loans Act, discussion on which will commence today. I had hoped that the speakers who are inscribed for Senator Croll's motion for the appointment of a special committee of the Senate on poverty would find it possible to proceed, but this is not convenient and that motion will therefore continue to stand until Tuesday next. I understand there are still a number of speakers who wish to take part in the debate. I hope that when we reconvene we will have before us the Post Office Act, an important and complicated measure now being discussed in the other house. In addition there will be two other bills now before us. The Science Policy Committee will sit, as will the Finance Committee on Estimates.

Hon. Mr. Flynn: Thank you.

Hon. Mr. Aseltine: Can the honourable Leader tell us if we will have the other farm bills at that time?

Hon. Mr. Martin: I hope that we will have all of the other farm bills, but I cannot be certain about that. The indications are that may be the case.

Hon. Mr. Aseltine: It is very important that we have the one having to do with the advances on farm-stored grain, in view of the circumstances that prevail at the present time.

Hon. Mr. Martin: I thank the honourable senator for reminding us of the urgency of this matter.

Motion agreed to.

PUBLIC SERVICE OF CANADA

RATES OF PAY FOR UNTRAINED LABOUR—FURTHER INQUIRY ANSWERED

Hon. George S. White further inquired of the Government pursuant to notice:

1. What is the average wage of an untrained labourer employed in the Public Service of Canada?

2. Is the amount of this wage the same for female and male employees?

3. Does the same average wage apply to all departments and agencies of the Government of Canada, and to all parts of Canada? If not, what is the average wage for an untrained labourer in various Department and in different parts of Canada?

4. What formula, yardstick, basis or other method is used in arriving at the amount of the average wage paid an untrained labourer employed in the Public Service of Canada?

5. Is this average wage reviewed at certain periods? If so, at what periods? And is the average wage subject to an increase? If the average wage is subject to an increase, what formula, yardstick, basis or other method will be used in arriving at the amount of any such increase?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

1. As of September 30, 1968—$2.06 per hour. (This is a weighted average for employees in the 36 pay zones throughout Canada).

2. Yes.

3. The average wage mentioned in Part I applies to employees in all departments and agencies of the Government of Canada listed in Schedule A, Part 1 of the Public Service Staff Relations Act who are part of the Elemental sub group of the General Labour and Trades Group of the Operational Category.

4. There are 36 pay zones across Canada for employees in this sub group. The average wage is determined by calculating the average wage in each zone and then weighting the resulting figures according to the number of employees in each zone and then dividing this figure by the total number of employees in the sub group as a whole.

5. Yes. The current contract for these groups terminated September 30, 1968. Further changes are subject to the results of collective bargaining. Negotiations for a contract beginning October 1, 1968, will shortly commence.

INDIAN AND ESKIMO AFFAIRS

EMPLOYMENT OF NATIVE HELP—INQUIRY ANSWERED

Hon. Allister Grosart inquired of the Government, pursuant to notice:

1. What percentage of the 7,596 "man years" of the establishment of the Department of Indian Affairs and Northern Development is occupied with native Indian and Eskimo affairs?

2. What percentage of the Budget of $195.5 million of the Department is spent on native Indian and Eskimo Affairs?

3. How many of the "man years" of the establishment of the Department are filled by persons of native Indian or Eskimo origin?

4. What percentage of the budget of $195.5 million is spent for salaries and allowances of persons of native Indian or Eskimo origin?

5. How many senior officers, from and including heads of sections or equivalent positions up to the Deputy Minister, are there, and how many of these are of native Indian or Eskimo origin?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

1. The total man-years of the establishment of the Department, which amounted to 7,536 on January 1, 1966, when the present Department was established, stand at 8,376 for the 1968-69 fiscal year. This larger figure is due to the rapid increase in the Indian and Eskimo population and to the wider use of the national parks by the public, as well as to the improved services and new and expanded programs provided by the various branches of the Department. Of the total number of man-years of the establishment, 5,616 or 67.0 per cent are occupied with Indian and Eskimo affairs.

Of the persons occupied with Indian and Eskimo affairs approximately 2,200 are employed as classroom teachers, school principals, guidance counsellors and vocational counsellors.

In addition to positions relating to Indian and Eskimo affairs, the establishment of the Department includes positions concerned with the conservation Program (Canadian Wildlife Service and National and Historic Parks), and the constitutional and economic development of the Northern Territories including direct management of the resources. Support services for the establishment concerned with Indian and Eskimo affairs are included in the figure of 5,616 man-years above.

2. The 1968-69 budget of the Department is $256,580,000. Of this, 82.7 per cent is spent on Indian and Eskimo affairs.

3. At present, 764 of the 8,376 man-years of the establishment are filled by persons of Indian or Eskimo origin. It should be pointed out, however, that 17 per cent of the establishment of 8,376 man-years is now vacant, partly as a result of the Government's economy measures. It would be more meaningful, therefore, to state that 764 of the remaining 83 per cent of the occupied positions, or approximately 11 per cent of the occupied positions, are filled by employees of Indian or Eskimo origin.

In addition, there are persons of Indian or Eskimo origin to the estimated number of 2,775 man-years employed as casual labour, as workers under contract and as labourers on various projects throughout Canada, and not charged against the establishment. They represent a very large percentage of the total casual labour employed by the Department or by contractors on Departmental projects pertaining to Indian and Eskimo affairs.

The total man-years for Indians and Eskimos employed within and outside the establishment may be considerably higher than the figures reported above, since departmental and contractors' records do not always show that an employee is of Indian or Eskimo origin.

4. Of the total budget for 1968-69, approximately five per cent is being

spent on salaries, wages and allowances of persons of Indian or Eskimo origin employed by the Department or contractors, on the basis of the recorded man-year figures reported in item 3 above. Again, it may be more meaningful to state that approximately six percent of the budget allocated to Indian and Eskimo affairs is being spent on salaries paid to the above persons.

5. The Department has 927 senior officer positions of which 801 are at present occupied. Of these, 17 persons are of Indian or Eskimo origin. Sixteen of the 17 persons are occupied with Indian affairs and represent 4.4 per cent of the senior positions so occupied.

A number of the 801 senior positions are concerned with education supervision.

CZECHOSLOVAKIAN REFUGEES

IMPLEMENTATION OF CANADIAN IMMIGRATION ARRANGEMENTS

On the Orders of the Day:

Hon. Norman A. MacKenzie: Honourable senators, with leave, I would like to make a brief statement by way of a footnote to the very interesting report of Senator Thompson on Czechoslovakia and the actions of the Canadian Government in respect of refugees from that country. I do this because what I am going to tell you is a story that I do not think has been given sufficient recognition. I am particularly anxious to make this statement because of the generous way in which the Governement of Canada and certain individuals in that Government dealt with that problem.

All of the members of this house will recall that in the autumn of 1956 there occurred in Hungary a revolution that was a much more tragic and bloody affair than the unhappy situation which exists in Czechoslovakia today. As a result of that revolution tens of thousands of Hungarians fled their country, taking refuge in the first instance, in the main, in Austria and from there across the world.

Canada and the Government of Canada, knowing that it would be expected to assist in looking after these unfortunate people, took immediate action. The then Minister of Immigration and Citizenship Jack Pickersgill, went to Austria, and with a view to assisting a particular group he got in touch with the Honourable James Sinclair, who was in Vancouver at the time. It was his desire to bring to Canada, and in particular to British Columbia, the whole of the faculty of forestry of the University of Sopron, which had fled Hungary and had taken refuge in Austria.

The Honourable Mr. Sinclair came to see me one Sunday morning with a view to enlisting the interest and aid of the University of British Columbia. He was anxious, too, to involve the forest industries of British Columbia in this action. We arranged to meet that afternoon with Mr. Foley, head of the Powell River Company, and it was agreed that the whole of this faculty—staff, wives, children and students—should be brought, under the auspices and with the assistance of the Government of Canada, to British Columbia.

The Powell River company and Mr. Foley agreed that as a temporary measure they would be lodged in certain construction camps at the plant at Powell River. The university agreed that we would help them to find summer employment, living quarters and educational facilities in the autumn. The Canadian Government, again with the special support and assistance of Messrs. Pickersgill and Sinclair, undertook to provide the finances necessary to take care of this enterprise.

These students, some 300 in all were in due course enrolled at the university. Their education was continued and effected in two languages, Hungarian and English. The degrees granted were granted in the name of the Faculty of Forestry in Sopron University and of the University of British Columbia.

It is to their credit, and I believe to the credit of Canada, that none of that group caused Canada any trouble at any time, and to the best of my knowledge every one of them found employment and made a place for himself here. They are all adding and contributing to the Canadian economy, the Canadian society and the Canadian nation.

Hon. Senators: Hear, hear.

Hon. Mr. MacKenzie: This was an enterprise of which we can all be proud. It was an enterprise in which government, private industry and the universities played a role. I want here and now to pay tribute particularly to the Government of Canada and to those ministers who took the initiative and played such an important part in that successful enterprise. I hope and believe that something of the same nature will be achieved in the case of the Czechoslovakian refugees now coming to this country.

Hon. Lionel Choquette: Honourable senators, we are all grateful, I am sure, for the statement made by the honourable senator who has just resumed his seat. However, I would like to point out that in the same year to which he refers, 1956, a tragic year, one of the co-chairmen of the voluntary Canadian-Hungarian committee, whose headquarters were in Toronto, was none other than our esteemed Senator Thorvaldson.

Hon. Senators: Hear, hear.

Hon. Paul Martin: Honourable senators, we are all grateful to Senator MacKenzie for recalling the valuable contribution made to this theme yesterday by Senator Thompson.

As the member of the Government in this chamber, I would like to say that Senator Thompson was asked to go to Vienna and to that portion of Europe and to interest himself in this problem. The Honourable Allan MacEachen, the Minister of Citizenship and Immigration, under whom this matter came, was most anxious that those who were going to come to Canada should be given every facility to learn about Canada, the opportunities that would be available, and the circumstances under which they would be coming to this country.

Canadians, regardless of political interest, I am sure, have followed events in Czechoslovakia with great concern. It is not the Government alone that has been interested in this problem, as we have been reminded by Senator Choquette. This is a problem which transcends political interest. This was true in 1956 during the Hungarian invasion, and the participation of Senator Thorvaldson in the committee mentioned by Senator Choquette attests to that fact.

But Canada with her wide-open spaces and her support for the principles of the charter of the United Nations, to which we referred a few moments ago, could not stand by in 1956 any more than she could stand by in 1968 and deny people who were being robbed of their homeland of the right of sanctuary and the right to live their lives in decency and relative security. We in Canada know from the many ethnic groups who compose our country that the Hungarians who came in 1956, as in the case of the Czechs who came and are coming in 1968, compose part of the Canadian family and make a rich contribution to our national life.

The facilities which the Canadian Government has provided for Czechoslovakian refugees are identical with the allowances, the travelling arrangements and the training facilities which were extended to the Hungarian refugees in 1956. These Czechoslovakian refugees, like their predecessors, the Hungarian group, are made up of a variety of professions; there are some very distinguished writers, some outstanding scientists, and some well-trained artisans who will be valuable in the productivity requirements of this country.

Therefore, we thank Senator MacKenzie for expanding on what Senator Thompson said yesterday. I may say that when I picked up the morning papers I expected that there would be a full account given of the statement made yesterday by Senator Thompson. I think it was a notable statement and an item of great importance to this nation. I hope that the references today by Senator MacKenzie and Senator Choquette will bring home to our people, through the news media, the importance of what Senator Thompson reported to us yesterday.

Hon. Arthur W. Roebuck: Honourable senators, may I express just a single thought in this connection? I have already expressed my appreciation of the address made by Senator Thompson yesterday afternoon, but the thought I would like to express at this stage is that we who now live in Canada and are thoroughly established here, should bear in mind that we were all immigrants to this country. Therefore, when we extend the hand of fellowship and spend perhaps a little money in assisting these people, we are only doing what Canada has done for many years.

My family came to Canada in 1815, and the Government of the then Canadas supplied the bateaux and the crews of the bateaux that brought them up the St. Lawrence River. I look back with gratitude and appreciation to the people of Canada of that time.

So, honourable senators, we are in the same boat and we can welcome these people, not in any superior way but rather as equals, and help them to become established as we have been helped in the past.

Hon. M. Grattan O'Leary: Honourable senators, I was greatly impressed by the speech of Senator Thompson—it was a wonderful statement. Had he not gone into politics, he might have been one of the top-flight reporters of his time.

I was also astonished by the statement of the Leader of the Government a moment ago, that he awoke this morning, took up the morning paper and expected a full report of

what Senator Thompson had said. I wonder if Senator Thompson, and those who assisted him, took the precaution of giving to the press an advance copy of what he was going to say. If the Leader of the Government had any experience of running a newspaper, he would know that in the world as it is today, with a procession of turbulent events every day, it is simply impossible for the press to be everywhere at all times, and to report every proceeding of the Senate.

I am getting a bit weary of the complaints here in the house about failure of the press to report proceedings of this chamber. If and when this chamber makes real news, the press will report it, but it will not report merely the exchange of these comfortable statements of mutual praise which we hear day after day.

Hon. Charles McElman: Honourable senators, with all due respect to a confrère who has had long and revered experience with the press, there are many occasions in this Senate when matters of importance to the nation take place. It is not the responsibility of the Leader of the Government in the Senate nor of the Leader of the Opposition, or any individual senator to advise the press when they should be represented in the gallery.

We have seen occasions when certain honourable members of the Senate were making addresses that the press was present. I for one think it is the responsibility of the press, if they are to carry any sense of responsibility to the nation, to ensure that this gallery should be manned every day the Senate sits, as the second and a very important segment of the Parliament of Canada.

PRIVATE BILLS

BRITISH NORTHWESTERN INSURANCE COMPANY—THIRD READING

Hon. Hartland de M. Molson moved the third reading of Bill S-9, respecting British Northwestern Insurance Company.

Motion agreed to and bill read third time and passed.

AETNA CASUALTY COMPANY OF CANADA—THIRD READING

Hon. Eric Cook moved the third reading of Bill S-11, to incorporate Aetna Casualty Company of Canada.

Motion agreed to and bill read third time and passed.

JUDGES ACT

BILL TO AMEND—THIRD READING

Hon. A. Hamilton McDonald, for Hon. Richard J. Stanbury, moved the third reading of Bill C-114, to amend the Judges Act.

Motion agreed to and bill read third time and passed.

FARM IMPROVEMENT LOANS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. A. Hamilton McDonald moved the second reading of Bill C-111, to amend the Farm Improvement Loans Act.

He said: Honourable senators, as this is the first occasion on which I have had the opportunity of speaking from the floor during this session, may I first have the privilege of expressing my congratulations to you, Mr. Speaker, on your having been elevated to the high office which you now hold.

It has been my privilege to have served in this house under only one previous Speaker, but I know from the record, that this house has been graced with the services of many able men in the position in which you find yourself now. I am sure all honourable senators will agree with me when I say that, from the short experience that you have had in the chair, you have indicated to all of us that you are going to be ranked among the great Speakers of this house.

Hon. Senators: Hear, hear.

Hon. Mr. McDonald: My congratulations go out to you and of course to the people of the Province of Quebec whom you represent.

Honourable senators, I would like also to extend my congratulations to the new Government Leader, who has brought to this house long experience in another house, and long experience in the diplomatic services of our country. This chamber is fortunate to have a leader with experience both in Parliament and in other institutions, who has played such a personal part in the development of government and the promotion of excellent relations with other countries of the world. My congratulations go to him.

I would like also to extend my congratulations to the retired leader, Senator John Connolly—although he is not in his seat at the moment—on the part he played during his term as Government Leader in this chamber. It is obvious that, although he has moved his

seat in the chamber, it has not interfered with the contribution he has made and is continuing to make to the Government of our country.

I would also take this opportunity to congratulate all of the new senators who have been appointed either during the recess or since this session commenced. I hope their experience in this chamber will be as pleasant as mine has been to date.

Honourable senators, before dealing with Bill C-111, to amend the Farm Improvement Loans Act, it might be well to read into the record some of the history of this act and the part it has played in providing credit to the farmers of this nation.

As honourable senators know, this act was first placed on the statute books of Canada in 1944 and was a measure designed to encourage our chartered banks to make term credit readily available to farmers across the country for a wide range of important projects and at reasonable costs. Most of us realize the necessity of the legislation at that particular time.

The history of farm credit prior to the coming into being of the Farm Improvement Loans Act is rather a sorry one across Canada. It is a sorry one in that in many instances farmers found it virtually impossible to get credit. In other instances the interest rates were almost prohibitive; and, on the other hand, in many cases the institutions that were making the farm loans found it impossible to collect those loans because of agricultural conditions across Canada. It is a wonder to me that past governments had not recognized this problem even at an earlier date than 1944. However, I do believe that the legislation has served our farmers well, and I will refer to some statistics later in my remarks which I think will indicate that point to all senators.

As you know, the original legislation provided for government guarantees on all loans made under this act, and the guarantee has been renewed by Parliament from time to time, as the original legislation ran for a three-year period. The guarantee has been renewed every three years, but in the last term it expired on July 1. As a matter of fact, we have been without this legislation since June 30, 1968. The reason for this was what happened last spring when this house was prorogued for an event that is now history—an event with which some of us are very happy and others not quite so happy. In any case, because of the election, the government of the day was not able to complete the list of legislation that it had hoped to place before Parliament.

The Minister of Finance, in the interval, indicated publicly that it was his intention to seek amendment to the act as soon as possible—in other words, as soon as a new Parliament met—and also to include another lending period and to make the legislation retroactive back to June 30 last.

The minister also advised the banks that the new lending period, as I said a moment ago, would be retroactive so that there would be no lapse in the legislation because of the events that took place earlier in the summer. When this legislation was first introduced the minister explained to the house that the act was an incentive to have the banks enter into the term lending field on a major scale and on terms that would be favourable to our farmers. The maximum interest rate at that time and up until June 30 was set in the act at 5 per cent. The interest rate together with the guarantee that was spelled out in the act were sufficient to cover the costs of the money and the costs of handling these loans, and also to give the banks an incentive to go after the business that was available and the business that the government of the day hoped could be fulfilled through our banking institutions.

The records indicate that the hopes of the minister of that day have been fully justified. If honourable senators have a copy of the annual report for 1967, under the Farm Improvement Loans Act, you can see from the contents the great benefits that farmers have received from 1944 to date.

It is not my intention to deal with many statistics, but there are a few that I think ought to be read into the record. In 1945, the first year of operation, there were 4,300 loans made under this act, for a total amount of $3,382,000 odd. The average loan at that time amounted to $784. The number of loans increased from about 4,300 in 1945 to 60,755 in the year 1955, for a total of $69,105,-521. The average size of loan had increased from $784 to $1,137. Ten years later, in 1965, there were 91,191 loans granted for a total of $202,706,910, the average amount of the loan having increased to $2,223.

The last year for which we have a complete report is 1967. In that year there were 78,249 loans granted for a total of $203,664,856, and the average loan had increased somewhat from 1965 to an average of $2,602. But for the total period of 1945 to 1967 there have been

approximately 1,419,000 loans made for a total of $2,146,000,000, in round figures, and the average loan over that period was $1,512.

Not only has the legislation been effective in that the farmers have taken advantage of the loans, as the figures I have read to you indicate, but it has also been effective because there has been an excellent record of repayment of the loans.

You will recall that the original legislation provided for a guarantee of 10 per cent of the total loans granted over the three-year period by any one lending institution. The cost to the Government for the same years, including interest and collections of difficult loans, is as follows. In 1955 there were 229 claims unpaid, for a total of approximately $135,000. Of that amount, $5,074 was collected or recovered at a later date. By 1965 there were 229 claims totalling $203,333.33 that were not repaid. But since then there has been a recovery of some $36,000 of that outstanding amount.

In 1967 there were 285 claims unpaid, with a total value of about $340,000. Of that there has since been recovered about $43,500.

But over the period from 1944 to 1967 a total of 3,432 claims have not been repaid. The total value of these comes to $2,682,000. From that you must subtract a recovery over that period of $361,500. This means that the cost to the Government of Canada through interest payments and collection efforts has been about $2.3 million.

In view of the amount of money involved, some $2,145,977,861, it is a very good record both for the Government and for the farmers across Canada.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. McDonald: I think it is important to remember that the objective of this legislation is to facilitate the making of guaranteed loans to our farmers. The ultimate decisions on whether or not the loans are made rest with the lender, because we must remember that this is bank money that is being loaned; it is not Government money. So the decision as to whether a loan is granted or not is a decision of the bank to which the individual farmer makes application.

The Farm Improvement Loans Act has provided since its inception a guarantee to the banks of 10 per cent of the amount of money that they loan over a three-year period. Of course, this guarantee meant that the interest rate was lower than if there had been no guarantee. It seems from the record that I have just read to you that the repayment has been adequate and that the 10 per cent has never been utilized—at least, not the full 10 per cent.

I would like to refer to some other tables in the annual report. If you would turn to Table 3 on page 8, you will see an outline entitled Loans by Provinces and Purposes 1967. It is interesting to note the various uses of this legislation by the farmers across Canada. Table 3 shows us that some provinces have made great use of this legislation. For instance, the Province of Alberta in 1967 took advantage of this legislation to the extent of something in excess of $65 million. As a matter of fact, all of the Prairie Provinces and Ontario made great use of this legislation. The legislation has not been used to any great extent in the Province of Quebec, but I understand that one of the major reasons for that is because some provincial legislation is available there that is not available in other provinces across Canada.

The experience in the Maritimes seems to be that their usage of this legislation has increased, but to date it seems to me there is a lag, for some reason which I cannot explain, in the use of farm improvement loans in that area of our country.

There are other tables on pages 9, 10, 11 and 12 of this document, but there is only one to which I want to refer. That is Table 9 on page 14, Loans by Banks. As you know, up to the moment the only people who have been able to make loans under this act are the chartered banks of Canada. All of them have played a very important role, but I would like again to put some figures on record.

From 1945 to 1967 the Canadian Imperial Bank of Commerce loaned $666,627,764 under this act. The Royal Bank of Canada loaned $580,882,973. The Bank of Montreal loaned $409,850,516. The Bank of Nova Scotia loaned $201,424,499. The Toronto Dominion Bank loaned $178,345,555. The smaller banks lent lesser amounts. I read this into the record only to indicate to you that the chartered banks of Canada have played their part in developing this loan system and making it operative across our country.

I would like now to turn to the act itself and to the amendments that we have before us. Bill C-111 proposes several changes in this act; one of the first changes is in the definition of a bank.

For the purpose of this act the definition of "bank" includes any bank that is incorporated under the provisions of the Bank Act.

Secondly, it includes a credit union, caisse populaire or other co-operative credit society designated by the minister on application by the society and is a bank for the purposes of this act. In other words, if a credit union, caisse populaire or other co-operative society wishes to come under this act, they make application to the minister, and if they are so designated by the minister, then they may qualify as a bank for the purposes of this act. Thirdly, a corporation that carries on the business of a trust company within the meaning of the Trust Companies Act, the business of a loan company within the meaning of the Loan Companies Act, or the business of insurance within the meaning of the Canadian and British Insurance Companies Act—if they apply to the minister to come under the definition of a bank, and their application is accepted, and they are so designated by the minister, then they too will be able to make loans under this legislation.

Perhaps I should refer to some experiences the Government of this country has had since they broadened the interpretation of "bank" for lending money for other purposes. As you are aware, credit unions have been brought under the plan and are considered as a bank for the purpose of lending money to students under the student loan plan. In the year 1968, $135 million was borrowed under that plan, but out of this amount $133.2 million was supplied by the chartered banks of Canada and only $1.8 million by the credit unions. I do not think that this is a criticism of the credit unions. In many instances I am told students do not have access to a credit union. In some cases they live in cities in Canada where there are no credit unions, and in other cases they may take out the loan in the city in which the university is situated and they may not have credit union facilities there.

In this connection I want to refer to my own Province of Saskatchewan where we probably have a greater concentration of credit unions than any other province in Canada. In that province, offices of our largest credit unions are to be found in the larger cities of the province where university facilities are available. In that province, where you have 45 per cent of all the credit union loans in Canada under the Student Loans Act, you find that they come from three credit unions in the province. But this will not be the situation as far as credit unions are concerned in supplying credit to the farmers under the Farm Improvement Loans Act, because in many cases credit unions are readily available to farmers. At least that is the general experience in western Canada, and I think that there will be great use made of the credit unions under the amendments to this act, and of course this will mean additional funds will be available.

There is one other example of success when other institutions were given the right to make loans for other purposes. I refer to the mortgage loans on non-farm residential construction, for the year ending December 31, 1967. N.H.A. and conventional mortgages from our chartered banks for 1967 amounted to $128 million for non-farm residential construction. By life insurance companies through N.H.A. and conventional mortgages, the sum was $493 million available for construction, and through trust and mortgage companies, both N.H.A. and conventional loans, the figure was $479 million. Then, under C.M.H.C. a sum of $685 million was provided for a total of $1,785 million.

Again I want to point out that almost $1 billion of that sum came from life insurance companies and from trust and loan companies who, to date, have not been able to make loans under the Farm Improvement Loans Act. I realize that many of these companies are not strategically located in many areas in Canada, but it seems to me that because of amendments to the Bank Act and for other reasons most of these institutions will be located in those areas where they can provide excellent service to our farmers.

Subclause 2 of clause 1 is an extension to the act so as to make it possible for money to be made available for the purpose of purchasing land to add to an existing farm unit. To date, there has been no provision under the Farm Improvement Loans Act to borrow money to buy farm lands, and of course this problem has been taken care of almost exclusively through the Farm Credit Corporation and private lending institutions.

Let us take the farmer who wants to add to an already existing farm unit by buying a small parcel of land. Now that might have a different meaning in one part of the country than it has in another. But in my own Province of Saskatchewan a farmer who owns, say, one or two sections and he wants to add another quarter section, could borrow up to $15,000 under the Farm Improvement Loans Act, and it is hoped the loans could be processed more quickly than through the Farm Credit Corporation.

Hon. Mr. Aseltine: That wouldn't buy much land in Saskatchewan.

Hon. Mr. McDonald: That depends whether it is your land or mine. Where my friend farms the land is much better and more expensive than it is in my area. Nevertheless, it might be useful in your area where there are small parcels of land under a quarter of a section, even with the maximum of $15,000.

The most reliable figure I can get is an estimate that there could be $20 million to $30 million a year lent for the purchase of land if this act is amended in accordance with the bill before you.

Under section 2 of the original act the maximum amount of a loan was $15,000, with a maximum repayment period of 10 years, and a maximum interest rate of 5 per cent. The amendments now proposed would increase the maximum amount from $15,000 to $25,000, with a limit of $15,000 on a loan for land purchases, with a repayment period of 15 years, and a repayment period of 10 years for the maximum of $15,000 borrowed for other improvements or farm machinery. However, I want it definitely understood that the maximum loan is $25,000, and if you take $15,000 on land, the maximum for machinery and improvements is $10,000, but if you do not take the maximum for land purchase then you continue to have a maximum of $15,000 for improvements or new machinery.

Under the proposed amendments to the act it is intended that the interest rate will be prescribed by regulation. There will be no fee or service charge of any kind; and the interest is simple interest, at a rate prescribed by regulation.

Honourable senators, in regard to clause 3 of the bill, section 4(1) of the Act is repealed and a new section 4(1) is substituted. Under the old section 4(1) the minister was responsible to pay not more than 10 per cent of the aggregate principal amount of the guaranteed loan made by the bank during any period—and that refers to the three-year period. I have indicated to you that this has certainly been more than adequate, from the experiences of the past.

In the new act, section 4(1), the minister is responsible to pay not more than 10 per cent of the principal amount of the guaranteed loan by a bank during the three-year period.

However, in addition to that, because we are bringing into the act new institutions under the definition of a bank, it is felt that there should be further guarantees to some of those institutions, because many of them are not in a position to make as large a loan as many of the chartered banks of Canada have made in the past. Therefore, as to the new lending institutions which have been added under clause 1, which is the definition section with regard to a bank, the minister is responsible to pay up to 90 per cent of the aggregate principal amount of the guaranteed loan made by that institution, if its total loans do not exceed $125,000. The reason for this is that if you have total loans of $125,000 and one or two of them go bad, a 10 per cent guarantee is not much protection for you.

It is hoped that this will be an incentive to the smaller lending institutions, credit unions, caisses populaires, etc, to get into this business.

The proposed new paragraph (b) of the new section 4(1) provides for a 50 per cent guarantee of that part of the aggregate principal amount of the guaranteed loan made during the same period which exceeds $125,000 but does not exceed $250,000. In other words, there is a 90 per cent guarantee up to $125,000; on everything over $125,000 and up to $250,000 there is a 50 per cent guarantee; then, there is a 10 per cent guarantee on all over $250,000.

Honourable senators, I wish to repeat that the purpose of these amendments is to increase the liability of the Minister of Finance in respect of the loans made by individual lenders and to encourage those people to get into the field.

Clause 3(2) provides for a change in section 4(2) of the act, to extend the act for the next three years, ending on June 30, 1971. This is the only section in the act which is being made retroactive to July 1, 1968.

Under clause 4 of the bill, section 5 of the act is being amended to provide that the maximum amount of money which may be loaned by the chartered banks during the three-year period will be $900 million. This is a 50 per cent increase over the last three-year period. The maximum amount of the loans which can be made by credit unions, caisses populaires, co-operative credit societies, insurance companies, trust and loan companies designated by the minister, shall not exceed $300 million. In this first three-year period, despite the fact that the banks will be allowed to lend $900 million and that the other institutions classified as banks under this act will be restricted to $300 million, it is felt that that sum will be sufficient to cover the demands on them during this three-year period.

Clause 5 of the bill will authorize the Governor in Council to prescribe the interest rates on loans made under the act.

Clause 6 is a consequential amendment, relating to the definition of "bank" in section 1 of the act.

Honourable senators, I hope that the few remarks I have made have indicated to you that this has been a worthwhile piece of legislation and very beneficial to farmers across Canada.

Hon. Mr. Bourque: And it has been a good speech.

Hon. Mr. McDonald: I am sure that everyone recognizes the changes in conditions from 1944 and the minor amendments which have been made in this legislation to date, but they are not sufficient to cope with the conditions in which we find ourselves today.

We are living in a period of time when interest rates have been fluctuating. I am one of those who believe they will continue to fluctuate in the future. If our lending institutions are to make the money available in sufficient quantities to keep the farmers of our country competitive with farmers around the world, the amendments suggested in this bill are necessary and I recommend them to you for approval.

Hon. Senators: Hear, hear.

Hon. Walter M. Aseltine: Some honourable senators will remember a short speech which I made on October 1 with respect to the serious situation prevailing in the prairie provinces in connection with the threshing and marketing of the 1968 crops.

Hon. Mr. Martin: We do remember.

Hon. Mr. Aseltine: I told honourable senators about the big holdover from the 1966 crop of wheat and from the 1967 crop, and the big crop that we were trying to harvest in these western provinces.

I went on to say that it was going to be necessary for the farmers to build additional storage in order to take care of the 1968 crop, which was of very poor quality and which could not be mixed with the No. 1 wheat left over from 1966 and 1967 without taking a chance that everything be ruined. To offset that situation somewhat, and to help the farmers, I suggested that the Government of the day should allow accelerated depreciation on new granaries and storage facilities, and I requested the Leader of the Government in the Senate so to advise the Government.

Honourable senators, I am pleased to find that, in the budget speech which was delivered the other day, what I suggested should be done has been done. I find this statement:

> An amendment to income tax regulations will be made which will provide that the capital cost of new buildings, structures and bins for the purpose of storing grain on a farm, acquired in the period August 1, 1968, to December 31, 1969, may be written off for tax purposes over a period of four years.

I appreciate that very much because it is going to help the farmers in the difficult situation in which they find themselves now.

During Thanksgiving week I made a special trip to the western provinces for the purpose of finding out if there had been any improvement in conditions since I made my speech on October 1.

I regret very much that there have been no improvements whatsoever. After it had rained for 18 days in the month of September and many times during the month of October, the wheat lay on the ground without being threshed. In fact, it rained three times during the week that I was in Saskatchewan and there has been more since last Sunday when I returned to Ottawa. I telephoned this morning to find out if there had been any improvement in weather conditions, and although there was a possibility the sun might shine a little today, no threshing has been done.

During my stay in the West I travelled extensively through the west-central portion of Saskatchewan from Saskatoon through the Rosetown plains and on to Kindersley and up to the Alberta border. I also did a lot of telephoning. I got in touch with the northwestern parts of the province, west of North Battleford, the northeast portions of the province and the southern portions. Everywhere I was told that the crops were lying in the swath unthreshed, wet, damp and sprouting, with little hope of being harvested at all.

This is a very serious situation and any help that the Government can give to the grain farmers of western Canada will be most acceptable. The growing of wheat and other grains in Saskatchewan is a billion dollar industry and, if seriously affected, the repercussions will be felt not only in the province but throughout the whole country. This is the situation as it exists right now.

One half of the grain crops, including wheat in the west, central, and the northwestern part of the Province of Saskatchewan, has been threshed—at Kindersley, 40 per

cent, North Battleford, 40 per cent, and Melfort and Tisdale, 25 to 30 per cent. In Alberta it is 34 per cent, and in Manitoba it is less than that. Over ten million acres of grain of different kinds, including wheat, are unthreshed at this moment in the Province of Saskatchewan. Eight and a half million acres of that total consists of wheat. The prospects last night and this morning were that the snow which has been falling in the north and farther west might fall in Saskatchewan. If it does fall on this wet, sprouting grain, it will be impossible to thresh it in the spring. This has been done on one or two previous occasions, but those crops that were snowed in were not in the condition this crop is in. It was dry, so that in the spring we were able to pick it up and thresh it without too much loss.

Honourable senators must wonder what I have said so far has to do with Bill C-111, but I wish to point out that we have three or four farm bills which are coming up. One is a bill to amend the Prairie Grain Advance Payments Act, to which I referred earlier this afternoon and which we hope will be dealt with as soon as possible.

Hon. Mr. Martin: On stored grain.

Hon. Mr. Aseltine: The legislation we are dealing with, the Farm Improvement Loans Act, is not so important, for reasons which I will give you a little later. Then, we have a bill to amend the Farm Credit Act. That is the act which is used by the farmers when they are enlarging their farms and obtaining loans of a large amount. We also have a bill to amend the Farm Machinery Syndicates Credit Act. I was hoping that all of these bills would be introduced in the Senate at one time or close together so that I could make one speech covering all of them. All these bills are inter-related and are for the purpose of helping the farmers out of their difficulties.

Hon. Mr. Martin: I would just as soon hear the senator speak more than once because he speaks so well.

Hon. Mr. Aseltine: I am not doing very well today.

Hon. Mr. Martin: Oh, yes, you are.

Hon. Mr. Roebuck: But you have a sad subject.

Hon. Mr. Aseltine: We have had a very fine explanation of the Farm Improvement Loans Act. It came into force in 1944 and has been renewed every three years since that time, but expired on June 30, 1968. The interest rate was 5 per cent, and that was the reason it was such a great success. The farmers used it to improve their buildings, to buy new machinery, to buy feeder stock, to go into mixed farming, more or less, and generally it was a great success.

But recently there has been very little money available at 5 per cent, and last year the credit dried up considerably. By this Bill C-111 the interest rate of 5 per cent is repealed but no new rate has been set up. That is my objection to the bill. I have no other objection to it, but I do not see any hope for the bill being used by the farmers if a high rate of interest is set up.

The definition of "banks" includes financial institutions of all kinds, such as are designated and approved by the minister—the caisses populaires, the credit unions, the loan companies, the trust companies, the insurance companies and other institutions of like nature.

The sponsor of the bill did not tell us whether there was any consultation with the banks and these other financial bodies prior to the introduction of this bill. We do not know whether they are interested in lending money under this Farm Improvement Loans Act at all. I am quite sure they are not going to lend money at 5 per cent. That was probably the reason why the 5 per cent rate was repealed. I submit, honourable senators, that no one knows what this new rate will be and I cannot see any great rush for the passing of this bill until the new rate is set.

Trust companies are paying 7½ per cent on guaranteed deposit certificates, and they are lending money out again at 9½ per cent right now. We cannot expect much credit from them. And since the budget which came down on Tuesday I doubt very much if the insurance companies will be very much interested.

There is no formula in the bill for the new rates, and I for one am not in favour of this bill being passed through the Senate until we know what the formula is going to be. The interest rate should be tied to some formula announced in advance. It should not be left wide open as it appears to be at the present time.

Why not let us have that formula now instead of next week or next month? When will negotiations with the banks and the "near banks" take place? We have no information on that point at all. We do not know whether these near banks such as the credit unions and loan companies and others that I have mentioned are interested in this bill at all. I

am quite sure that they will not be interested unless they get a whopping rate of interest. If a trust company is paying 7½ per cent twice a year on its guaranteed certificates, it is certainly not going to lend money unless it gets in the neighbourhood of 9½ per cent. Most of the trust companies are paying a brokerage fee as well to people who send in money on behalf of clients to purchase the guaranteed deposit certificates. You would have to add at least 1½ per cent to the 7½ per cent before a trust company would be interested in making loans under this act.

Moreover, honourable senators, I cannot see a farmer going into debt to improve his buildings or to buy new machinery if he has to pay a high rate of interest. He would be very foolish to do so. He could get by with his old buildings. He could repair his machinery and wait until he could get a better rate without going into debt. If the new rates are not high enough the lending institutions will not make the money available, because they will not make loans at a loss or even for little gain. That would apply even with the Government guarantee.

While I am talking about interest, I wonder how many rates of interest there will be. Will there be one rate for improvements on buildings, one for the purchase of new machinery or livestock, and another on the $15,000 that the bill provides for the purchase of additional lands. When I first read the act I wondered why the $15,000 was provided for that purpose, because we had the Farm Credit Corporation which was making all kinds of loans to enable the farmers to increase their holdings.

I would be in favour of the passage of this bill if we were told what the interest rate is going to be or, in the alternative, if we were told what the formula is going to be to arrive at that rate. Otherwise, I am not prepared to support the bill because I do not think the act will be used to the extent that it has been used, as was explained so well by the sponsor of the bill. If the rates of interest are high, the farmers will not be able to pay off high-cost loans.

After all, honourable senators, the basic problem is to take steps to increase the volume of wheat sales so that the farmers can market more wheat. At present the farmer is on a one-bushel quota plus the 500-bushel unit. He cannot live on that, even when he gets the advances under the act, which I mentioned a while ago. They will not amount to any more than enough to pay his taxes and his interest. The result will be that he will not pay his taxes or his interest; he will keep the money to live on, and I would not blame him if he did that.

The only other thing that the Government has advocated is the setting up of a National Grains Council, but I cannot see how it will solve the problems the farmers are now facing. The new budget does not meet the problems of the farmers, except in regard to the accelerated depreciation on new buildings for the storage of grain. This also bothers me. When the Government brought down the budget with this new provision for accelerating the depreciation, why did it not take off the 11 per cent tax on all building materials? That would certainly help matters. I think they should still consider removing the 11 per cent sales tax.

I do not intend to go into the provisions of the bill; they were fully explained by the sponsor. He seems to think that the farmer can borrow himself into prosperity. I do not think he can. It was all right when he could borrow money at 5 per cent, but if he has to pay 8, 9 or 10 per cent he will be in debt for the rest of his life.

I suggest to the Government that before this bill receives second reading we should get some information on how the new rate is to be arrived at. I also want to know if they have taken up the matter of the new rate with the new institutions that they expect will lend money to the farmer if the Government guarantees part of it. Those are things I want to known before I agree to support the measure.

Hon. Mr. Roebuck: May I ask a question? It is perhaps not very relevant, but Senator Aseltine has painted a sad picture of large areas of land in which the wheat is lying unthreshed on the ground and will probably be a complete loss.

I was in England a couple of years ago where the rains are fairly constant, and on visiting one of the great farms there I found that they had special arrangements for the drying of crops of wheat and other grains, which evidently worked very satisfactorily.

Hon. Mr. Aseltine: You can buy a grain drier for about $5,000. Some of the farmers in northern Saskatchewan have them, and they are threshing this wet grain and are proceeding to dry as much as they can. But they have not that kind of money where I farm.

On motion of Hon. Mr. Argue, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 257 to 304, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 257, for the relief of Patrick Joseph Cashman.

Resolution 258, for the relief of Paul Emile Touchette.

Resolution 259, for the relief of Doreen St. Denis Zammit.

Resolution 260, for the relief of Robert Pilon.

Resolution 261, for the relief of Marthe Pierrette Marie Morin Pidgeon.

Resolution 262, for the relief of Paul Eugene Lapierre.

Resolution 263, for the relief of Dorothy Agnes Power Thompson.

Resolution 264, for the relief of Mary Crichton Bramson.

Resolution 265, for the relief of Sandra Dianne Maskell Fender.

Resolution 266, for the relief of Marie Therese Lucile Lisette Desrosiers Perreault.

Resolution 267, for the relief of Edward Henry Doyle.

Resolution 268, for the relief of Barbara May Tebbs Bostock.

Resolution 269, for the relief of Raymond Chevalier.

Resolution 270, for the relief of Belva Evelyn Nash Taylor.

Resolution 271, for the relief of Andre Chartrand.

Resolution 272, for the relief of Monique Garnier Lescieux.

Resolution 273, for the relief of Shirley Ann Wallbridge Latter.

Resolution 274, for the relief of Noreen Elizabeth Alkern Nye.

Resolution 275, for the relief of Lise Bouffard Fournier.

Resolution 276, for the relief of Raymond Bertrand.

Resolution 277, for the relief of Basile Grosso.

Resolution 278, for the relief of Marie Louise Germaine Bouret Cote.

Resolution 279, for the relief of Marie Elisabeth Frauenfelder Dufresne.

Resolution 280, for the relief of Venant Felix Michaud.

Resolution 281, for the relief of Carole Linda Richmond Blumenthal.

Resolution 282, for the relief of Joyce Eleanor Cairns Demesmaker.

Resolution 283, for the relief of Rollande Touchette Carreau.

Resolution 284, for the relief of Annie (Hania) Binik Dawidzon, otherwise known as Annie (Hania) Binik Davidson.

Resolution 285, for the relief of Leo Pepin.

Resolution 286, for the relief of Susan Elizabeth Walker Rea.

Resolution 287, for the relief of Susan Patricia Weidman Hollenberg.

Resolution 288, for the relief of Norman Leonard.

Resolution 289, for the relief of Michele Cousineau Lalonde.

Resolution 290, for the relief of Marjorie Helen Oswald Crooks.

Resolution 291, for the relief of Hildburg Siegrun Niehuser Van Edig.

Resolution 292, for the relief of Margaret Alice Middleton Derbyshire.

Resolution 293, for the relief of Paul Arthur Henri Gelinas.

Resolution 294, for the relief of Florence Graham Angus Holland.

Resolution 295, for the relief of Albert John McCaskie.

Resolution 296, for the relief of Sylvia Daphne Lummis Herren.

Resolution 297, for the relief of Rubin (Ruby) Abraham Myers.

Resolution 298, for the relief of Harriet Sherman Wasserman.

Resolution 299, for the relief of Florence Walker Cavaluccio.

Resolution 300, for the relief of Walter John Warren Millman.

Resolution 301, for the relief of Everett Allan Beebe.

Resolution 302, for the relief of Adriana van Barneveld van Wijnen, otherwise known as Adriana can Barneveld van Wynen.

Resolution 303, for the relief of Jacqueline Gagnon Hebert.

Resolution 304, for the relief of Judith Gail Stanley Carney.

Resolutions adopted, on division.

The Senate adjourned until Tuesday, October 29, 1968, at 8 p.m.

THE SENATE

Tuesday, October 29, 1968

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

POST OFFICE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-116, to amend the Post office Act.

Bill read first time.

SECOND READING—DEBATE ADJOURNED

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Leopold Langlois, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, this is a substantial bill. I will endeavour to give as much information as I can by way of explanation, and I will be very happy to answer any questions that honourable senators might wish to ask with reference to it.

Honourable senators, this legislation incorporates certain administrative changes and certain changes in rates on those classes of mail the responsibility for which rests with Parliament, namely, first-class and second-class mail. The details of those changes in rates have already been announced. At this stage I propose to give this house as much information as possible on the background of those changes, the reasons for them and their implications. To that end all honourable senators have received copies of a financial statement which sets out, in greater detail than I would be able to do in a set speech, the statistical background of these changes.

Perhaps I can first deal with principle and then move on to a discussion of specific practice. The Post Office account, that is, revenues compared to expenditures, was last in balance in the fiscal year 1956-57. This fiscal year, assuming no change in rates, a deficit of $100 million is forecast; the next fiscal year, again assuming no change, the deficit is anticipated to be in the order of $130 million. Exact comparisons between the figures of today and those of the past cannot be made because there has been a change in the basis of cost accounting, the essential effect of which is to charge the Post Office for all its real expenditures such as depreciation of buildings and equipment. However, as stated in the 1968 annual report, "The recording of these figures by the Canada Post Office gives an accurate picture of the financial situation as it is today." In other words, we are dealing with an anticipated deficit of $100 million this year and an anticipated deficit of about $130 million next fiscal year.

Honourable senators may raise the question, and rightly so, of whether and why a particular government agency should strive toward a balance between revenues and expenditures. In explanation I would make these points.

First, the Post Office deficit, while it has always existed, is in the process today of reaching critical as well as chronic proportions. A deficit such as the $130 million envisaged next year is simply insupportable; unless controlled, it will escalate out of sight.

Second, this bill is aimed not at striking a balance but at reducing the deficits to manageable proportions. A balance is not to be achieved solely by raising rates. The new projected deficit for 1969-70 is $40 million, assuming the proposed legislation goes through. It is hoped this gap can be closed by substantially increasing productivity and efficiency.

Third, while the Post Office is aiming toward a narrowing of the gap between revenues and expenditures, it is not its intention to do so in every area of the service. As I shall explain more fully in a moment, as a matter of social policy, it intends to accept at this time to run a deficit, that is, to extend a subsidy to certain areas and services, notably Canadians living in rural areas and to the Canadian publishing industry.

Fourth, the consequences of a deficit, even when the deficit has assumed the proportions we are now facing, are more serious and more damaging to the country as a whole than the size of the deficit itself would suggest. Quite simply, the money has to come from somewhere, and that somewhere is the taxpayer. If the Post Office runs a chronic and substantial deficit, the result is that taxpayers who make little use of the post office services are required to subsidize, either directly through taxes or indirectly through lowered government expenditures in other areas, those Canadian individuals and business concerns who do make an extensive use

of the Post Office. It means, in effect, that the financial burden is being distributed unfairly.

Having taken the decision to reduce the Post Office deficit, the department has operated on two bedrock principles, both of which are incorporated in the legislation before you. The first is that the user shall pay for what he uses; the second, that social justice and national need require specific subsidies for specific areas or organizations.

The principle that the user shall pay for what he uses is an extension of the point I made a moment ago. If the user does not pay, then non-users will. This concept was enunciated on page after page of the Glassco Commission Report and, among many examples, I would cite the commission's declaration on page 383, volume 3 that:

> ...charges be made for all services rendered to the public and the amounts thereof be so established as to recover the full cost to the Government of the service supplied.

There has been, for many years, one instance of non-users subsidizing users of the postal services which has caused considerable concern. In studying the graph of Post Office sales and costs contained on page 4 of the background financial statement, honourable senators will have noted that the gap, while always present, has assumed its present critical proportions only within the last few years. The principal reason for this is that wages, salaries and fringe benefits for the 48,000 Post Office employees now amount to 63.9 per cent of total annual costs. The settlement of last summer's labour dispute alone amounted to over $30 million. Other collective agreements signed recently for supervisors and postmasters raise the figure to over $40 million. In other words, Post Office employees want wages and salaries commensurate with the services they render to the users of postal services. They refuse to subsidize those users through their wages. And I agree with them.

The Post Office Department is now faced with a real world. Their costs, in accounting terms, are real; so is their wage bill. This legislation is intended to cope with that real world.

In their approach to this problem they have utilized a combination of three well-known techniques for bringing deficits into line. They have improved, and will improve even more, their efficiency; they have cut unnecessary services so the public is no longer charged for a service it neither needs nor uses; and, finally, they have increased their rates.

They are taking the following steps to reduce operating costs:

They have instituted a program to close down smaller post offices where expenditures clearly are much more than revenues.

They are amalgamating rural routes wherever it is clearly more economical to do so, and this has the advantage of providing the mail contractors with a relatively more remunerative contract.

They are establishing distribution centres across Canada which will make the handling of mail more economical and more efficient.

As new post office buildings are erected, new mechanized mail handling equipment is installed, providing for easier and faster movement of mail within postal installations while facilitating the work of employees.

In the planning of post office buildings care is taken to provide for better and more economical plant utilization.

In co-operation with major transportation system, containerization has been introduced to facilitate the movement of bulk mail and to speed up the service.

Letter carriers use small trucks to deliver mail where conditions so warrant.

Experiments are being carried out to find the most economical means of transporting mail within the larger urban centres.

New zoning systems are being implemented in larger urban centres which will be integrated into a code system if and when such a code is warranted on the basis of costs and service.

There are many other areas where efforts are made to reduce costs: in particular, in better financial management, in the review and preparation of departmental estimates for the next year and five years ahead; in the organization of a long-range planning division; in the installation of a total information system so that decisions will be taken on the basis of statistics, data, and facts gathered through scientific modern systems; and in research and development in the communications field.

Honourable senators may justifiably question why all of these steps taken together are yet insufficient. The immutable problems lie in the nature of the Post Office itself. Few economies of scale are enjoyed; each individual letter has to be individually handled and delivered. The awaited break through to automation in postal services has

not come. Machines have been developed and tested, but still problems remain. Not until optical scanners are perfected beyond their present stage of development to allow the reading of handwriting can much greater savings be made in staff, and productivity substantially improved. Scientists in the research branch of the Department of Communications are to tackle this problem as a matter of urgency to help the Post Office meet the challenge of change.

As part of this program, and as part of a drive to make the Post Office the most efficient in the world, I might mention two steps now under way. First, a thorough study of the Post Office by a task force composed of consultants and departmental officials has been initiated to evaluate every aspect of its operations and to consider the feasibility and desirability of establishing it as a Crown corporation.

Second, it is intended from this point on to consider the Post Office not as an institution but as a function—that is, not so much as an organization in the business of moving mail but as an organization in the business of communications and, therefore, as one arm of the over-all communications industry. Perhaps the most immediate effect of this change in outlook will be in the field of research and in the prevention of possible overlapping of communication services and hence of waste.

Currently the rural mail contractor may seek an increase once during the life of his contract if the costs incurred by him in rendering that contract have risen. Under the new legislation he will be able to apply for an increase three times during the life of the contract. This will result in an increased cost burden to the Post Office but will benefit rural mail contractors who have in the past on occasion been seriously inconvenienced financially by current cost increases for which they lacked the means to be compensated.

Since 1954 when the last adjustment was made in first-class mail rates, "all up" air service has been restricted to letters weighing eight ounces or less. This service is to be extended to first-class letters over eight ounces. At present an eight-ounce letter prepaid at the regular surface rate is given air transmission whereas the sender of the letter weighing nine ounces must prepay his letter at the air mail rate to get the same service. While this situation could be justified originally because of a problem of space availability on aircraft, this no longer applies.

In terms of reduction of unnecessary services, and hence of a lowering of the overall cost burden to the general public, honourable senators are aware of the principal steps that have been taken. It has been decided to abolish the Post Office Savings Bank for which no apparent need any longer exists. And it has been decided to abolish the six-day delivery schedule.

However, in respect to the latter reduction in service, it has become apparent as a result of representations made directly to the Postmaster General that a five-day delivery week will cause serious hardship to Canadians living in rural areas who depend upon Saturday delivery for, in particular, their newspapers. Hence the six-day delivery schedule will be maintained in rural areas. In making this decision the Post Office has been governed by the needs of its clients, not by those of the newspapers, though they will naturally be coincidental beneficiaries. As important as the principle that the user shall pay for what he uses, is the principle that Canadians, no matter where they live, are entitled to equal government services to the maximum extent possible. This is why the same amount is charged for a letter sent from one address to another in Ottawa as for one sent from Ottawa to Resolute Bay, although plainly in the latter instance a loss is incurred. This is why, on the basis of social need and justice, Post Office officials have been instructed to proceed with the discontinuance of Saturday delivery in urban centres where demand is minimal and to continue with Saturday delivery in rural areas where the demand is substantial. By the way, this shortening of the delivery week was one of the recommendations of the Montpetit Report. Plainly this will reduce the amount of projected savings, but it is anticipated that some of the net loss can be recovered by the program of amalgamating rural routes already mentioned. Also, no matter the cost, the service is justified.

Now, honourable senators, let me say that already efforts have been made and more will be done to increase productivity and reduce unnecessary expenditures. A wide gap remains. It is of the order, as I have stated, of $100 million this year and $130 million next year. To close that gap, taking into account the need for subsidies for those in rural areas and continued subsidies to the publishing industry, an integrated scale of increases has been constructed. Each individual increase is related to the others.

Third-class mail rates, which are at the discretion of the minister, have already been increased. As honourable senators will note on page 3.2 of the financial statement which sets out the effect of those changes in a full fiscal year, the two categories of third-class mail—domestic and international and unaddressed householder—which would have been in a net deficit of just under $30 million next year, will be brought almost to balance at a deficit of about $1.5 million.

In the instance of first-class mail, which is contained in the legislation before you, a forecast deficit of $28.7 million will be changed to a surplus of $12.4 million and second-class mail, also contained in the bill, will shift from a forecast deficit of $54.6 million to $39.1 million.

The specific changes proposed for first-class mail are (1) that the local "drop" letter rate be abolished, and (2) that the rate for letters be raised to 6 cents for the first ounce and 4 cents for the second ounce.

The local letter rate from a cost point of view can no longer be justified in Canada. It has become an anomaly. Initially, a lower rate for local letters was charged on the grounds that such letters were received, sorted and delivered at the same post office. At that time most people had to go to the post office to receive their mail. This situation has now been changed considerably with the development of Canada, the establishment of letter carrier delivery and rural mail delivery.

The increased revenues from first class mails anticipated by this legislation is $17.8 million for the remainder of 1968-69 and $42.7 million for the full fiscal year of 1969-70.

The letter rate moves up from five to six cents. There has been no substantial legislation affecting first-class mail rates passed since 1954. Those were the days of a five-cent pay telephone call and a five-cent cup of coffee. We are in the era of the 10-cent pay telephone call and, often, of the 15-cent cup of coffee. Yet we remain in the era of the five-cent stamp.

Since the first-class rates affect every Canadian, I can perhaps usefully give this house some background information on which to base its decision. About 75 per cent of first-class mail originates from commercial concerns and 25 per cent from private citizens, so the bulk of the burden will fall on business rather than on the man-in-the-street. The average Canadian sends just under one piece of mail a week and the total cost to the average Canadian of this increase will be 49 cents a year, or $2 for the average-sized family.

I am confident this increase can be borne and, for those reasons, to assess the impact of the six-cent rate on Canadians we have, on pages 8.1 and 8.2 of the financial statement, calculated first-class rates as a percentage of average hourly earnings in manufacturing industries. In 1959, a decade ago, first-class mail rates, as a percentage of average hourly earnings, stood at 2.9 per cent. In 1968, the six-cent rate stands at 2.41 per cent. At this level, it is lower than in any post-war year up to 1964. That is lower even with the increase to six cents.

A secondary reason why I am confident the increase can be borne is the comparisons, contained on pages 9.1 and 9.2 of the financial statement, between first-class rates in Canada and those in comparable countries. At the new level Canadians will mail letters to each other more cheaply, by one half, than citizens of Britain and West Germany, and more cheaply by one quarter than citizens of France. The only comparable country better off than ourselves is the United States. The difference is sub-fractional—2.4 per cent compared to 2.1 per cent and is accounted for by our higher postal costs given our geography and population distribution.

I now want to deal at some length with the proposed increase in second-class mail rates. This increase has been the subject of a great many representations to the Postmaster General and to members of both houses. It has also been, as we are all aware, the subject of a great many editorials.

Subsidization of Canadian publishing dates back to 1867 and Confederation. This practice, undertaken to help disseminate information and ideas is common to many countries, though I might mention that in Britain the Post Office, in an attempt to bring expenditures and revenues into balance, has recently abolished all preferential treatment for newspapers and periodicals.

Hon. Mr. Flynn: Not T.V.

Hon. Mr. Langlois: In my judgment T.V. is in a different class altogether. There are regulations controlling the amount of publicity that T.V. can handle, which is not being done for newspapers.

In my judgment, and I believe in the judgment of all honourable senators, there are sound reasons for subsidizing an industry which, as said in the O'Leary Commission,

adds to the richness and vitality of Canadian life. To quote the Postmaster General in his speech to the other place introducing this legislation, "...the communication of ideas and information is the glue of Confederation and the subsidy amounts to an additive to that glue." It is nevertheless, sound practice, and more than that, it is an essential democratic principle, for the Government to account for all its expenditures to the taxpayers who ultimately foot the bill. All subsidies to any institution, however worthy, should be clearly identified as such and justified on their own merits. The merit, need and purpose of the subsidy to the publishing industry might, at some other time, be the subject of debate by this house. That is a long-term concern; our immediate concern is not the subsidy itself but the amount.

And that amount is reaching a staggering size. Second class rates were last altered in 1951. In that year the deficit, or subsidy, amounted to $13.5 million; by 1955-56 the sum had roughly doubled to $28.2 million. That doubling occurred over a span of 15 years. By next year, fiscal 1969-70, assuming no change in rates, a deficit of $54 million is estimated. But this time the doubling of the size of the subsidy has taken place over a span of only four years. This rate of progression cannot be allowed to continue. Over the past ten years alone the Canadian public has disbursed a total of approximately $300 million to publishers by way of a subsidy on second-class mail rates, and all of this without debate, or with very little debate, by members of this and the other house.

That, however, as I have just said, is not our present concern. What it is proposed to do in this bill is to cap the subsidy, to bring it under control for the first time in 17 years. At present the cost coverage for all types of publications, that is, revenues received as a percentage of audited costs, is 20.5 per cent. For some categories of publications, and I cite weekly newspapers for example, the Post Office recovers less than 10 per cent—9.7 per cent, to be exact—of its costs. As a result of the changes incorporated in the bill the cost coverage, for all types of publications, will rise to 53.5 per cent.

Here I would refer the honourable senators to page 11 of the financial statement. You will note that the cost coverage ratio is graduated according to different types of publications. In the case of weekly newspapers, which by their nature are the most economically vulnerable, the new cost coverage is only 13.2 per cent. These publications will continue to be heavily subsidized. For magazines, that segment of the industry most vulnerable to foreign competition, the cost coverage rises to 33 per cent. Finally, and here I am dealing with broad categories, for daily newspapers which in most instances enjoy a monopoly or virtual monopoly in their own area, the cost coverage is now set at 79.8 per cent as compared to 30.1 per cent under existing legislation.

In a parallel attempt to spread the burden as equitably as possible, honourable senators will have noted that while the per pound rate on the reading content of a daily newspaper is increased from 2½ to 5 cents, or doubled, the per pound rate on the advertising content has been increased from 4 cents to 15 cents, or almost quadrupled. If these increases sound large, it is only because we are working up from such a low base. Newspapers with a low advertising content and who are therefore more vulnerable for financial terms will gain relative to their better-off competitors. As a result, the second-class rate increases, in other words, comprise an integrated package.

Here I might mention one particular problem raised in the other house concerning the imbalance on second-class mail between Canada and other countries. It was suggested at page 935 of the Commons *Hansard* that the Government renegotiate the international treaty which has involved us in loss and bring about parity with the United States. This cannot be done in that way. This loss is comprised in large part, as honourable senators know, by our imbalance of postal trade with the United States.

The principle of non-sharing of charges and of non-payment of terminal expenses to the administrations of other countries, as compensation for services provided on arrival of foreign mail, applies to all items of letter post in the international service.

Since the foundation of the Universal Postal Union almost 100 years ago, this concept has been viewed as basic by its 137 member countries and their territories.

While many attempts have been made at the Universal Postal congresses, to introduce some system of payment to compensate countries for the expenses incurred in the delivery of international mail, these have always been rejected. However, the last Universal Congress in 1964 adopted a resolution authorizing a study of the cost prices of forwarding, transmitting and distributing letter post items in the international service. The problem is very

complex because any system would require the setting up of expensive and time-consuming control and accounting procedures at both the despatching and receiving ends in Canada and the other member nations of the Universal Postal Union. There is no immediate solution in sight, but a serious study is currently underway and the results will be placed before the next congress to be held in Tokyo in late 1969. Therefore, there is no avenue open to Canada to solve the problem in relation to the United States or for that matter with any other country such as France, Great Britain and the Netherlands with whom we also are at a disadvantage.

I should point out that in terms of total volume of second- and third-class mail handled in the Canadian postal service, the imbalance of international traffic, if we exclude that originating in the United States, represents very little. In fact, it has been estimated that this imbalance accounts for less than one-third of 1 per cent of our total traffic in terms of number of pieces handled. Our deficit attributable to the imbalance of traffic with the United States for second-class mail is estimated at approximately $3.5 million annually. With third-class mail, however, the latest survey indicated that the flow of exchange seems to be in Canada's favour. Unfortunately, we have no recent figures on this particular type of traffic, but tests made four years ago showed that the imbalance favoured Canada by a margin of 13 per cent.

I return, honourable senators, to the issue before this house. On second-class mail rates the position of the Post Office is that the deficit has continued too long, it is now at an unmanageable level, and therefore the time has come to cap it.

Such a step involves certain inescapable difficulties. A situation unchanged for 17 years permits a privilege to become regarded as a right. In their representations to the Post Office, I am told, members of the publishing industry have argued that the increase, even if justified, is still too much too suddenly. The increase is considerable, and it must be if we are to make any headway at all; the percentage increases appear large but are so only because the base rates until now have been so low. I am aware, and sympathetically so, that certain publications, simply because they have assumed a privilege was a right and was therefore immutable, have perhaps allowed themselves to become over-extended in certain areas. This is the reason why the increase is proposed to come into effect in stages, rather than on passage of this legislation, as is the case with first-class mail. As for the allegation that the increase is sudden, I wish to say that this issue was raised in the House of Commons in 1964 and again during consideration of legislation last year. The publishing industry, I submit, has been well aware for some time that changes were coming and were long overdue.

The legislation before you will continue the subsidy on second-class mail, not eliminate it. In the fiscal year 1969-70 the sum, because of the increased rates, will be about $39 million. At that figure it will comprise all but about $1 million of the total deficit of the Post Office on all its operation; also at the $39 million figure it will be substantially larger than sums dispersed by the Government to other industries in the private sectors such as ship building and gold mining. I am convinced that the amount of the increase, after a close study of all individual cases, is equitable both to the industry and to the general public. The timing of the increase will, I believe, allow all publications enough time to take any action that may be needed to absorb the increased cost in the same manner as they regularly absorb unplanned increases in the costs of such items as wages and newsprint.

In the legislation before Parliament other amendments to sections 11 and 12 of the act have been proposed which would: (a) restrict the conditions for statutory mail rates (b) reduce and simplify rate categories; (c) establish minimum piece charges; (d) increase rates; (e) restrict the free zone to weekly newspapers with circulation of less than 10,000 and to the copies of these papers that are addressed to post offices with no letter carrier delivery service; (f) abolish the preferred rates; (g) repeal existing local second class rate; (h) discontinue statutory rates for sample copies or specimens of newspapers and periodicals and publications of newspapers and periodicals mailed by news dealers, evidently for advertising purposes.

Other proposed changes would restrict statutory rates to those newspapers and periodicals that, (a) have not more than 70 per cent of the paper devoted to advertising; (b) have a subscription price of not less than 50 cents per annum; (c) have a paid circulation of not less than 50 per cent of the total circulation; and (d) are registered for second-class rates with the Post Office Department.

Another purpose of the amendment is tc exclude from the statutory rate publications

published as an auxiliary to, or for the purpose of, publicizing the main purpose or calling of the publisher. Excluded would be house organs, church bulletins, trade, fraternal, professional and other association publications.

Honourable senators, there are now 10 rate groups of newspapers and periodicals based on frequency of issue and size of circulation. Since neither factor is related to the cost, rate anomalies exist that cannot be explained within the context of postal operations. For example, a large weekly periodical is currently subject to a rate of three cents per pound, but a monthly periodical pays only 1.75 cents per pound. Furthermore, the number of rate categories is in excess of what is required for efficient administration and accounting.

The new legislation provides for three rate groups: (a) daily newspapers; (b) weekly newspapers, and (c) other newspapers and periodicals.

At the moment, rates on newspapers and periodicals are bulk or pound rates covering an entire mailing. This results in sorting, transporting and delivering some newspapers and periodicals for as little as 1/20 and 1/30 of a cent per copy. The new minimum per item rate of two cents per piece will result in a more equitable distribution of postal charges among the users of second-class mail.

The rate change for a daily newspaper which includes all newspapers published more frequently than weekly will be five cents a pound on the news content and 15 cents a pound on the advertising content.

The rate for a weekly newspaper will be five cents a pound, and if the weekly newspaper has a circulation of 10,000 or less and is published and mailed in a community of not more than 10,000 persons, 2,500 copies of each issue will be handled free of postage to non-letter carrier offices within a 40-mile radius of the place of publication. This weekly rate is recognized support of the little weekly newspapers that continue to play an important role in local news dissemination in rural parts of our country.

The third rate which applies to all other newspapers and periodicals will be five cents per pound with a minimum charge of two cents per item.

Honourable senators, I have spoken at length, and I wish to thank you for having listened to me with such attention. I am aware of your interest in this legislation, affecting, as it does, literally every Canadian. I am also aware that we are attempting to correct a situation which has been unchanged for 17 years and which, because of that long span, requires some relatively drastic steps.

This legislation will reduce the projected Post Office deficit for 1969-70 to $40 million from the $130 million it would have been without this bill. We will be back in the land of common sense, and of equity, since it will mean that, with specified exceptions, users will pay for what they use and non-users will not bear a burden they did not create.

Honourable senators, it is my intention when this bill has received second reading, to move that it be referred to the Standing Committee on Transport and Communications. I am informed that the Postmaster General will be in attendance to supply any information honourable senators may wish to have.

Hon. Mr. Macdonald: Honourable senators, would the honourable senator answer one question? If he cannot answer it now perhaps he could make the answer available some time before third reading.

As honourable senators are aware, Christmas is approaching, and in previous years a Christmas card sent in a sealed envelope went as first-class mail, while a card in a non-sealed envelope was carried at a lesser rate. Under the new rates will a Christmas card, whether in a sealed or unsealed envelope, require the six-cent rate?

Hon. Paul Desruisseaux: Honourable senators, I possibly would not have spoken on this bill because of my past connection in the newspaper field; however, I want to clarify my position as it is now. I have been a director of the Canadian Press and Canadian Daily Newspapers Association for a number of years, and have published a French daily newspaper in Sherbrooke, which had a circulation of some 4,000; and also I have published an English-language newspaper.

I would like to point out what is in fact happening by the passage of this bill, and I would like to make known the ideas and views of the small town newspaper.

Let me take as an example the Sherbrooke *Daily Record,* a well known newspaper which has served the community in the Eastern Townships exceptionally well. Because of what has been said here about the ending of subsidies to newspapers, I want to point out some of the things that should be pointed out to the Senate and that should be considered in committee.

First, this small newspaper I am talking about has a circulation this year of 8,856, and there is postage involved in delivering 6,357 to subscribers. That is 72 per cent of the total net paid circulation. Of this amount, 3,179 go to lock boxes, 1,782 to rural routes, and 1,396 to small dealers and carriers in isolated areas who receive their bundles through the mail service.

The mail is pre-sorted into 77 direct bags and 11 sortation bags for regional offices. Our trucks travel more than 40,000 miles per annum to deliver 1,051 copies each day. The balance travels on post office trucks for an average of 25 miles. All mail is sorted to the convenience of the Post Office, the service they give being minimal. Papers for boxholders in towns are in box order, rural routes in alphabetical order in separate packages.

The present cost of mailing to subscribers is $10,400 per annum. The estimated cost of the proposed rates is $41,600, an increase of $31,200, or about 400 per cent. The increased cost per mail subscriber will be about $6.50 per annum.

Some may say that the subsidies may be outdated in these regions, but remember that we have been subsidizing culture in one form or another ever since we have had a Parliament. We build cultural centres that cost from $75 million to $85 million, and think nothing of it.

I am pleading for the survival of small newspapers. The case of the Sherbrooke *Daily Record* is not an isolated one; it could just as well be *L'Action* in Quebec, the most of whose subscribers are serviced by mail, or *L'Evangéline*, in Moncton, where the circulation is widely scattered.

Some references were made to the postal arrangements that were to be made, and some comparisons were ventured with United States postal rates. In comparing the two, I would like to bring to your attention that the United States postal authorities have instituted a zone system which enables small dailies to serve their markets but pay higher rates when they mail to other markets. This is quite different from what we have before us, and I believe we have an over-simplification of the situation. We should take the precaution of considering what might happen to many newspapers, because if their circulation is adversely affected, they would not have sufficient funds to meet their expenses; it would have an adverse effect on their revenues.

In the county of origin a U.S. newspaper pays 1.3 cents per pound in next zone—that is, within a 150-mile radius—4.6 cents on advertising content and 3 cents on news. The proposed rate in Canada is 5 cents on news—jumping from 1.3 cents to 5 cents—and 15 cents on advertising—a jump from 4.6 cents to 15 cents. This will not render a service to the rural communities, but it is my belief that the metropolitan centres might be indifferent.

I would like to quote a paragraph from the letter that the editor writes to me:

> It would seem the proposed increase in newspaper mail rates was designed to eliminate the main source of news to rural residents. Local radio and TV are unable to fill the gap, leaving state radio and television a captive news audience.

This is an example of a small city newspaper, and I, for one, would regret its closing down. I am sure that it is not the intention of anyone to try to suppress the dissemination of information in Canada.

We must realize that newspapers are able to raise the rates as necessary; and, of course, if this legislation passes, they will have to raise the rate by at least $6.50 per subscriber. In my region, honourable senators, this would represent a heavy burden, because most of the farmers are not operating large farms.

If this is to be referred to committee, I would suggest that the comparative Canadian and U.S. rates should be brought out. Further, I suggest that, before we pass this legislation we should ascertain what would happen to a number of existing newspapers which we need to contribute to Canada's growth.

Hon. M. Grattan O'Leary: Honourable senators, before moving the adjournment of the debate, I would like to ask Senator Langlois, the sponsor of the bill, two questions.

First, how much of the Post Office deficit last year was attributable to the carriage of daily and weekly newspapers, as opposed to magazines and other second-class matter? Second, how was this figure arrived at?

If the honourable senator does not have that information now, I can ask the question tomorrow.

The Hon. the Speaker: Do I understand that the honourable senator has moved the adjournment of the debate?

Hon. Mr. O'Leary (Carleton): I wished to ask the questions before moving the adjournment of the debate. However, if Senator Langlois would prefer to reply tomorrow, I will

move the adjournment, and perhaps my honourable friend could give me the figures before I speak tomorrow.

On motion of Hon. Mr. O'Leary (Carleton), debate adjourned.

PRAIRIE GRAIN ADVANCE PAYMENTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-113, to amend the Prairie Grain Advance Payments Act.

Bill read first time.

Hon. Mr. Martin moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

PROPERTY QUALIFICATION OF SENATORS

RETURN PRESENTED

The Hon. the Speaker presented a return, submitted by the Clerk of the Senate in accordance with Rule 105, listing the names of members of the Senate who have renewed their declaration of property qualification.

MOTION FOR SUPPLEMENTARY RETURN

Hon. Paul Martin: Honourable senators, with leave of the Senate, I move:

> That the Clerk of the Senate be authorized to receive the renewed declarations of Property Qualification from those members of the Senate who have not had the opportunity to make and file the same in accordance with Rule 105, and to make a Supplementary Return accordingly.

Motion agreed to.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report on the activities of the Adjustment Assistance Board for the fiscal year ended March 31, 1968. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, October 23, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

Report of Proceedings under the Canada Water Conservation Assistance Act for the fiscal year ended March 31, 1968, pursuant to section 8 of the said Act, chapter 21, Statutes of Canada, 1952-53. (English and French texts).

Report of the Department of National Revenue containing Statements relative to Customs-Excise Revenue and Other Services by Ports; Excise and Income of Canada, for the fiscal year ended March 31, 1968, pursuant to section 5 of the Department of National Revenue Act, chapter 75, R.S.C., 1952. (English and French texts).

Capital Budget of Air Canada for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-831, dated April 30, 1968, approving same. (English text).

Revised Capital Budget of Air Canada for the year ending December 31, 1968, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with a copy of Order in Council P.C. 1968-1931, dated October 10, 1968, approving same. (English text).

Copies of 48 contracts between the Government of Canada and Municipalities in the Provinces of Alberta, British Columbia, Manitoba and New Brunswick for the use or employment of the Royal Canadian Mounted Police, pursuant to section 20(3) of the Royal Canadian Mounted Police Act, chapter 54, Statutes of Canada, 1959. (English text).

AERONAUTICS ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin presented Bill S-14, to amend the Aeronautics Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Mr. Martin presented Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 308 to 348, inclusive, and moved that the said reports be taken into consideration at the next sitting of the Senate.

Motion agreed to.

FARM IMPROVEMENT LOANS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

The Senate resumed from Thursday, October 24, the adjourned debate on the motion of Hon. Mr. McDonald for the second reading of Bill C-111, to amend the Farm Improvement Loans Act.

Hon. Hazen Argue: Honourable senators, my first words at this time are of sincerest congratulations to Your Honour upon your appointment to the high office of Speaker of this house.

It has been my good fortune to know you, sir, for many years. I have always appreciated and admired your outstanding qualities. You will bring to this office a dignity and charm and a fairness that will do honour to yourself, and justice to the high office that you hold.

I wish also at this time to congratulate the honourable Leader of the Government in this house (Hon. Mr. Martin) upon his appointment. I have known Senator Paul Martin for many years. I have watched him in the other place bring forward progressive and outstanding legislation that has been of great benefit to all Canadians. I have considered him a close and personal friend, and even when we were in opposite parties I, from time to time and rather jocularly, perhaps, referred to him as my leader.

Hon. Mr. Flynn: That is putting it mildly.

Hon. Mr. Argue: That was prophetic. I am very pleased to call him my leader in this chamber.

On the basis of his contributions to this nation in the other place, and in the Department of External Affairs, I consider him to be—and I say this most sincerely—one of the most outstanding Canadians of this generation.

Hon. Senators: Hear, hear.

Hon. Mr. Argue: I am sure the important office that he now holds will afford him an opportunity for further service to this nation.

A number of far-reaching agricultural bills are being placed before Parliament during the current session. We are dealing with one at this time; another one has just been given first reading, an act to provide for the doubling of cash advances. I am very pleased to see that particular bill being given first reading. It was my pleasure at a western Liberal conference held in Winnipeg last February to propose a motion, which was carried, asking for the doubling of cash advances. While the legislation with which we will be dealing at a later date is not on all fours with the proposal adopted by that convention, nonetheless it will implement in a very real way the basic policy presented to and adopted by that conference, and I am pleased to see that this important and far-reaching advance in agricultural legislation will be completed in a short time.

There are other policies the Government has not got around to yet. At the conference to which I have just referred another motion, asking for the adoption of a two-price system for wheat in Canada, was carried. In the opinion of western grain producers and of a great many fair-minded Canadians, the proposition that wheat milled into flour to be consumed by humans in Canada in the form of bread should carry a price related to the cost of production in Canada rather than to the international price is a fair one. This would be one small means by which the wheat producers of Western Canada could on a portion of their grain obtain a price that has a distinct relationship to the cost of production.

Almost any other commodity you might wish to mention carries a price which covers the cost of production, as well as a profit. This, of course, is not true about the international price for wheat, over which Canada and Canadian producers have very little control, because in recent years we have seen the international price for wheat falling in many instances while costs have increased at a fabulous rate. I would commend to the members of this chamber and to the Government the wisdom and justice of bringing forth a two-price system as part of an overall agricultural program.

In my opinion the sponsor of this bill (Hon. Mr. McDonald) gave a comprehensive explanation of its purposes and of the various types of loans that will be provided when this legislation is passed. However, I think a fundamental error has been made in the legislation. I refer to the interest rate. Agricultural producers in Canada have for over 20 years enjoyed a Farm Improvement Loans Act which has carried a five per cent interest, and this moderate interest rate has enabled agricultural producers to improve their agricultural plant in such a way as to benefit themselves and the nation.

I am opposed to Bill C-111, the passage of which will lead to increased interest rates for farm machinery and other loans made under this legislation. This bill as it now stands is directly contrary to other beneficial government actions and policies. The Government favours lower farm machinery prices and has demonstrated this by establishing a royal commission on this important question. But in this measure it provides for a drastic increase in farm machinery costs by means of an increase in the interest rates. On the one hand we see the Government spending hundreds of millions of dollars to eradicate rural poverty, and on the other hand by this bill it curtails the opportunity of many farmers to eradicate their own poverty through their own efforts by improved mechanization and production facilities.

The Farm Improvements Loans Act has over the years been of great value to Canadian agriculture. Almost one and a half million loans have been made, with an average value of over $1,500 per loan. This legislation has been of far-reaching benefit by making it possible for farmers to mechanize production and increase efficiency. It has enabled the farmers to compete in a more satisfactory way in world markets, and has assisted farmers in the provision of cheaper food for Canadian consumers. Any investment by government in legislation that results in increased agricultural efficiency provides a manifold return to the nation.

The timing of this bill seems particularly inappropriate. Farm production costs have been rising rapidly while agricultural production prices have in the main remained stable, or in some instances, such as wheat have actually fallen. Certainly an emergency agricultural situation prevails in Western Canada at this time. Exports are down, grain delivery quotas are the lowest in years, and all this is further complicated by the worst harvesting conditions since 1951.

I have in my hand the latest farm delivery quotas, prevailing as of yesterday, which show that as of October 28 this year, of 1,827 marketing points on the Prairies, 779, or about 43 per cent, were still on the basic unit quota. The unit quota, as honourable senators will know, is a quota of 400 bushels of wheat, which means a gross return of about $550, a very small return indeed. A year ago at this time there were only 11 per cent of the points on the unit quota. Two years ago there were only 5 per cent of the points on this tiny quota. If you take the number of points on a quota above a one bushel quota—that is a quota of two bushels per acre or more—this year only 13 per cent as of October 28 were on this larger quota. One year ago 47 per cent of the points were on that larger quota. Two years ago during that same time 75 per cent of the marketing points were on this larger quota. That demonstrates very vividly the severe emergency facing western agricultural producers, the severe shortage of cash and the terrible effect this is having on the general economy in western Canada.

Of course, as part of the answer to this serious situation—and I compliment the Government—we will shortly be dealing with a measure to provide certain cash advances, but I should like to point out to honourable senators that, important as this cash advance legislation will be, providing a cash advance of some $6 per specified acre—

The Hon. the Speaker: I understand the honourable Senator Fournier (De Lanaudière) wishes to ask a question.

Hon. Sarto Fournier: I am very sorry to interrupt the honourable senator. He has quoted figures for western Canada and I hope the honourable senator has the same figures for eastern Canada. What about the production in Ontario and Quebec? I would like the honourable senator to balance the loss in the west against the loss in the east, and the gain in the west against the gain in the east. I hope the honourable gentleman will have the intellectual honesty to give to the Canadian nation the figures of the production, and of the benefit of everything, concerning both parts of the country.

Hon. Mr. Argue: Honourable senators, I thank Senator Fournier for his important question. I hope I have intellectual honesty. I am not sure that I have the intellectual faculties to carry around with me all the statistics which would be involved in that important and far-reaching question. However, I would

like to point out that the figures I have referred to apply only to the production of wheat in the prairie provinces and could not possibly apply to wheat production in any other province, because it is not at all comparable.

Perhaps I should ask the honourable senator at some later stage in this debate to provide us with some figures as to how the eastern wheat producer is doing, and the corn producer, about whom I have heard some rumblings lately, and other agricultural producers across the country. I should like to say that this evening I shall have some references to make about some agricultural aspects which affect all parts of Canada.

The cash advances legislation will provide a maximum cash advance of $6 per specified acre. I would like to point out something that many senators I know are aware of, that it is estimated that the cost of producing wheat is some $20 per acre, so that the cash advance in relation to overall cost of production is still quite a conservative figure. I add at once that the doubling of cash advances is an important and worthwhile step.

Honourable senators, I would suggest that the Government's agricultural policies are in many ways contradictory. One department takes steps to reduce farm machinery prices, while another department takes steps to increase the cost of machinery. On the one hand, hundreds of millions of dollars, soon reaching half a billion dollars, are poured into ARDA, the Agricultural Rehabilitation and Development Act; into FRED, the Fund for Regional Economic Development; into ADA, the Area Development Act, in an imaginative war on real poverty. On the other hand, the butterfat subsidy to thousands of small cream shippers is removed. The only sin of these cream shippers is that they are small, instead of being large producers. Hundreds of millions of dollars are spent on a grandiose war on poverty, but poverty for thousands of farmers is increased by a policy which cuts off their meagre butterfat subsidy.

On the one hand, hundreds of millions of dollars are spent on ARDA and FRED, with their expensive programs to encourage greater beef production. On the other hand, last spring the Government announced that the small $300 subsidy for stock watering dugouts, essential to beef production in many parts of the country, is to be reduced to $150.

One of the chief reasons that this bill is before the Senate today in its present form is the absolute failure individually of members of the Opposition in the other place. In my opinion, had they been half as determined to prevent an increase in interest rates as they were to prevent the dropping of Saturday rural mail delivery, this bill with its increase in interest rates would not now be before the Senate. Their tactics were to make noisy sporadic complaints that interest rates should not be increased, and quietly acquiesce in high interest rates by voting for the bill. On second and third readings, the vote in the other place for this bill was unanimous. No sooner had they voted for a bigger interest burden for the farmers than they wanted a debate on the emergency agricultural situation in western Canada. Where was the emergency agricultural situation when they voted to increase the interest burdens by perhaps $25 million a year, by this measure alone?

Never in my experience have members representing rural Canada done such an incompetent, inconsistent and lousy job as that performed by the Opposition members with regard to Bill C-111.

Hon. Mr. Flynn: Honourable senators, I rise on a point of order.

The Hon. the Speaker: Honourable Mr. Flynn, on a point of order.

Hon. Mr. Flynn: The honourable Senator Argue should know that it is not proper to make comments about the conduct of members of the other place, unless they are acting in their capacity as ministers and not as members; nor is it proper to refer to the debates in the other place. I submit that we are able to deal with matters which come before us without rehashing the debates in the other place.

Hon. Mr. Argue: Honourable senators, I was not referring to any particular member. I was referring to—

Hon. Mr. Flynn: To a group.

Hon. Mr. Argue: I was referring to a group of members. How often have I heard in the other place this very chamber referred to in rather derogatory terms. If it is offensive to my honourable friend in any way, of course I will not insist.

Hon. Mr. Flynn: It is not offensive to me, but I suggest that the honourable member should adhere to the conduct and practices of this place; otherwise we are going to have an argument which will be entirely irrelevant.

The Hon. the Speaker: Order, please. I think the point raised by the honourable

Leader of the Opposition is well taken. I would like to know if the reference made by the honourable Senator Argue completes his argument, without any reference to the other place.

Hon. Mr. Argue: I would proceed to state that many aspects of the Government policies with respect to agriculture—

The Hon. the Speaker: Order, please. Do I understand that the honourable Senator Fournier (De Lanaudière) would like to ask a question?

Hon. Sarto Fournier: No, Mr. Speaker, it is not a question.

I am inclined to share the legal opinion of the honourable Leader of the Opposition (Hon. Mr. Flynn). I think he has stated what is in fact the practice of this chamber. I would ask the Honourable Mr. Argue to confine himself to this practice and not to refer again to the other house in the way he did. The honourable gentleman knows very well what I mean, because he was a member of the other house for so many years. He should comply with our parliamentary practices.

The Hon. the Speaker: The point was raised by the honourable Leader of the Opposition. I said that the point was well taken. I invited honourable Senator Argue to comply with it and I understood that he was through with any such reference. We might now consider the incident as closed.

Hon. Mr. Argue: Honourable senators, I was going on to make some general remarks about the agricultural situation in Canada and to say that I feel—

Hon. Mr. Everett: The honourable senator makes a point that the increased cost relating to the increased rates will be $25 million. I wonder how he arrives at that figure of $25 million?

Hon. Mr. Argue: Honourable senators, I said "approximately"—that was an approximate figure—but if I read the bill correctly the maximum loans can go up to some $1,200 million. However, I would think that if the final interest rate is only some 2 per cent higher than the 5 per cent which farmers had previously enjoyed under this measure, then they will be fortunate. I am not looking to quibble about a particular figure, but certainly any increase in interest charges is a major burden on the agricultural industry.

Hon. Mr. Everett: The honourable senator is not suggesting that this bill increases the interest rate by 2 per cent.

Hon. Mr. Argue: No. It could be by three or four per cent or one and a half or one per cent. I read the debates in the other place—I am not supposed to refer to them here—and the minister was questioned time and time again but in everything I saw he failed to say what the interest rate would be. It will be a varying interest rate and it will be a changing interest rate and it will be one that has been taken out of the authority of Parliament and put in the authority of the cabinet. I think that is a retrograde step, to say nothing about the retrograde step of increasing the interest rate.

If an interest rate increase were necessary—and I say it was not—then I think the correct thing to have done was to put the interest rate in the legislation and not leave the agricultural producers on the tender hooks of a floating, varying interest rate. They have enough varying costs without being subjected to an additional one. However, these things were not in my notes and the honourable senator has elicited this reply, but I personally would far rather have seen a specific interest rate in this bill so that agricultural producers would know where they stand.

I think the Senate of Canada can play an important role in looking at an industry which is in great difficulty in many parts of Canada, whether it be corn production in the area from which the distinguished Leader of the Government comes, or whether it be in cream production where small cream producers have been removed entirely from the subsidy. In any of these areas I think the Senate might perform a very useful function. I suggest that there is something positive the Senate should do. I suggest we establish an emergency Senate committee whose duty shall be to tour agricultural areas across Canada, to hear witnesses, to assess the current agricultural price-cost squeeze, to examine into the incidents of rural poverty, to examine pre-agricultural policies and particularly those policies that tend to discourage individual thrift, initiative and self-help; further, to consider, in particular, whether all farmers, small as well as large, should be eligible for support prices on an equitable basis under Government legislation. The committee should further consider the social and economic impact of various levels of interest rates when applied to agricultural needs; and

in particular what interest rates, types and amounts of credit are best suited to the agricultural industry; to make such recommendation on all these questions as in the opinion of this committee will contribute to a healthy, efficient and prosperous agricultural industry.

Such a Senate committee, I suggest, would make a valuable and lasting contribution to agriculture and to the whole Canadian nation.

Hon. Senators: Hear, hear.

Hon. Mr. Flynn: Would the honourable senator have in mind any proposal of a specific amendment to the present bill?

Hon. Mr. Argue: I have not endeavoured to bring any particular amendment on second reading. I am not particularly acquainted with the rules here. I know in the other place that that kind of an amendment is not in order.

Hon. Mr. Flynn: It could be made in committee at least, if there is any specific amendment that you have in mind.

Hon. Mr. Argue: I shall be very happy to take this into consideration at the next sitting, if I feel that there is an amendment that can usefully be brought forward. If so, I will be very happy to do so. I would like the honourable senator who is asking the question, and who has had great experience, to do the same.

Hon. Mr. Flynn: I am not as well aware of the problems as is my honourable friend.

Hon. Mr. Fournier (De Lanaudière): Honourable senators, perhaps it will look as if I am sitting on the side of the Opposition when I say that I share the feelings of the honourable Leader of the Opposition in asking Senator Argue for a specific amendment. After the speech Senator Argue has made, it would seem to follow that, if he is not satisfied with the legislation that is before Parliament, he should move a specific amendment which we can then decide upon. However, if he is not prepared to offer some alternative, there seems little point in making a speech against the Government, against society, against the universities and municipal governments, and so on.

Let the honourable gentleman come clean. Let him deliver himself of his opinion and take the responsibility for what he has to say.

Let me reiterate that I share the opinion of the honourable Leader of the Opposition in hoping that Senator Argue will put in concrete form by way of specific amendment the criticism which he levels at the bill.

Hon. Arthur M. Pearson: Honourable senators, I would first like to congratulate you, Mr. Speaker, on having been named Speaker of this chamber. Many illustrious Speakers have occupied the Chair before you, but from your conduct of the business of this Chamber so far, I do not think we have ever had a better Speaker in the chair.

Also, I would like to congratulate the Leader of the Government in the Senate on his appointment to this chamber. He has had a most remarkable political career, not only in this country but in many foreign lands. His experience has been outstanding in dealing with foreign nations and in foreign affairs, and with all his experience I am sure he will give us great service in this chamber. I am sure we will benefit from his very fine work before the year is out.

Now, honourable senators, there is little I would criticize in this bill, which is mostly a renewal of an act first brought out in 1945. The purpose of this act was to assist farmers in obtaining credit, wherewith they could purchase machinery, livestock, and do some small improvement work around their farms so as to make a successful farm operation. The act has been most successful and has been renewed from time to time during the intervening years.

During the latter part of the winter of 1967-1968, two things were taking place. First, we were reaching the end of a three-year period, and, second, the banks which had administered the fund under the act were becoming increasingly disenchanted with the 5 per cent interest rate which was written into the act. As a result, there was a considerable falling off in the purchase of machinery and livestock, and in other improvements, in this past summer.

The Opposition held this bill up on second reading in the committee in the other place, because they were fighting to hold the interest rate at the 5 per cent it had been at previously. Failing that, they wanted at least to have the interest rate set out in the bill so that a farmer might know what he was obligating himself to do.

I am in no hurry to see this bill passed in its present form. The interest rate worries me, as I know it will worry a good many farmers who may be making use of its lending privileges. I realize that it must be very difficult for the Government to have to bring

in this bill at an increased interest rate, because they know, without a doubt, that it will not go down very well with those who will be borrowing.

I would ask the honourable senators to allow me the privilege of placing on record some figures taken from the 1967 Annual Report of the Farm Improvement Loans Act. Table 3 on page 8 of this report was referred to by the sponsor of the bill. There are a number of headings in that table. For example, the first heading is "Purchase of Agricultural Implements;" the second is "Construction, Repair or Alteration to Farm Buildings"; the third, "Purchase of Livestock; and the fourth, "Other Improvements."

Now, I will not give any more than two of those columns, and I might say that they are divided off according to provinces. Under the first heading Purchase of Agricultural Implements we have the amounts borrowed by farmers during 1967 in each of the separate provinces. These amount are given in round figures, as follows:

British Columbia	$ 3,894,000
Alberta	48,456,000
Saskatchewan	48,982,000
Manitoba	18,626,000
Ontario	24,808,000
Quebec	658,000
New Brunswick	776,000
Nova Scotia	798,000
Prince Edward Island	1,813,000
Newfoundland	7,000

Honourable senators, those were the figures with respect to the purchase of agricultural machinery. The figures in respect of livestock purchases by farmers of all provinces are as follows:

British Columbia	$ 1,229,000
Alberta	5,725,000
Saskatchewan	2,709,000
Manitoba	1,383,000
Ontario	3,164,000
Quebec	88,000
New Brunswick	60,000
Nova Scotia	131,000
Prince Edward Island	73,000
Newfoundland	12,000

Incidentally, I might say that with respect to the Province of Quebec they have a provincial loaning system of their own which probably accounts for the small amounts borrowed through this Farm Improvement Loans Act by farmers from that province.

Turning to the Maritime provinces, I would like to point out that the farmers in those four provinces spend $3,394,000 for the purchase of machinery as compared with one province, British Columbia, which shows $3,894,000, or practically the same amount.

Then, for the purchase of livestock the total in the four Maritime Provinces is only $276,000; that is about one-fifth of what Manitoba farmers borrowed.

Honourable senators, to me the question is, what is going to happen to the Maritime Provinces? At the present time they have borrowed very little of these guaranteed funds, even at an interest rate of 5 per cent. If we have the interest rate set at the prescribed rate which the bill calls for, and which will probably mean current commercial rates which might run anywhere from 7½ to 9½ per cent, my view is that lending to the Maritimes will probably dry up completely. There seems to be something wrong when the area from Ontario west, including Ontario, borrows large sums of money for farming operations, and yet the area east of Quebec borrows so very little. I would have thought that the idea of the 5 per cent interest would have encouraged farmers in that area to go in more for livestock than they have done.

As I said before, the real problem is the interest rates. What is to be the rate on the loan to purchase land? You will notice that in the bill the total loan a farmer can have now is $25,000, and $15,000 of that will be allocated to purchase land, if that is his wish, but there is no indication of what the interest rate would be on the money for the purchase of this land if the farmer borrows through farm improvement loans. What will be the interest rate on loans for the purchase of machinery, or livestock, or improvements on buildings or land?

It has been said in the other place that there are two rates of interest. No one knows what this means. It is also suggested that these interest rates will have to be negotiated. Does this mean that the minister is going to negotiate with the banks and the near banks, or has each individual farmer to negotiate? If the latter is the case, then the farmer who has good credit and is a substantial farmer will be able to go to his bank, negotiate a loan, and because he is a good risk, will be able to get the money at a more favourable rate than the small farmer who is not such a good risk, and who may have to pay the high rates of 8½ to 9½ per cent.

On the other hand, what is the value of the bill to farmers of Ontario, Western Canada or British Columbia? They can go into the bank

now and borrow money at the regular rates without having to go through the Farm Improvement Loans Act. What is the situation if interest rates are to fluctuate? One farmer I know quite well, in discussing the matter with me, said that he could buy a tractor or other farm implement in the fall from an implement dealer without any payment, either principal or interest, until the following April or May. At that time, as he was a member of a credit union, he could get a loan from the credit union and pay off the implement dealer and extend his payments for six months. When this six months is up, he could go to the bank and borrow money there at the going rate and pay off the credit union, and get another extended period, so he could not see why he need worry about the government-guaranteed loans.

Honourable senators, I have a suggestion to make which I think the Government might well consider. First, cancel the government guarantee of 10 per cent on these loans. Second, make a deal with the banks and near banks to advance money at 6 per cent or 7 per cent and have the Government underwrite the interest rate at one per cent. In other words, the Government would pay one per cent simple interest on all current loans. I mention 6 per cent or 7 per cent interest because there is now a trend for interest rates to go lower. You will notice that the Chase Manhattan Bank in New York has cut down interest rates to 6 per cent. At least, that is what I understand. The other banks have to follow suit, but have not yet come close to that.

I think the Government would be justified in setting these rates for the following reasons. First, the Agricultural Stabilization Board during the last 10 years of its existence, has paid out $544,504,693, or an average of $54,450,469 per year. This was by way of being a direct subsidy on farm products which were mostly produce for our table, but very little subsidy was paid to farmers engaged in producing wheat and cereals for export. I would add that wheat is one of the better aids to our foreign trade balance.

If the Government would pay this subsidy of one per cent interest on loans made under the Farm Improvement Loans Act, based on the last year's loans of $203,604,856, they would subsidize the best farmers to the extent of some $2,036,048. That is what it would cost at one per cent. If they hold the interest rate at an even rate for all farmers, there would be some value to the Farm Improvement Loans Act. The guarantee is not of any great value as most of the loans made have been gilt-edged. There is very little loss on the Farm Improvement loans or Farm Credit Corporation loans. As I say, they are practically gilt-edged.

Referring to Bill C-111, I notice that it calls for an amount of $900 million, the maximum to be lent under the guarantee for the next three years by the banks, and a maximum of $300 million to be lent by credit unions, caisses populaires, insurance companies and trust companies, making a total of $1,200 million which is an increase of some $500 million over the last three-year period.

I am glad to see that the Government is so optimistic about farming in this country, However, to my way of thinking the increase in interest rates will greatly reduce the amount of loans taken out by farmers during the next three years, unless the Government can come through with a much better proposition than merely saying that the interest rate will be simple interest at a rate prescribed, and leave it up to the farmer to negotiate his own interest rate on his own particular loan.

Hon. J. Harper Prowse: Honourable senators, it is not my intention to keep you long, but there have been some things said that I believe should be clarified as soon as possible.

This is not an act by which the Government of Canada lends money to farmers. You have a Farm Credit Act and Farm Machinery Act, which we will probably be getting a look at one of these days whereby actual loans are made by government organizations. This bill is merely intended to provide some encouragement to lending institutions to lend money to farmers who otherwise might not be considered as sound banking risks. Originally, it was brought in for the purpose of encouraging the banks to make loans they otherwise would not have made—the same as the small business loans and others—by guaranteeing them against losses in aggregate up to 10 per cent of the total loans made.

The Government, in effect said to the banks: If you will be a little more optimistic about this fellow's ability to repay than you would be in the ordinary business transaction, we will underwrite your losses up to 10 per cent of the total loans that you make. In other words, if you lend $1 million, we will underwrite your losses up to $100,000.

Now, this bill goes a little further than that. What has not been mentioned, and in fairness I think should be said, is that the previous act applied just to the chartered

banks, and it was introduced at a time when 5 per cent was about the prime bank rate. In other words, that was the rate that the banks' best customers probably could get at the time this act was originally passed, based on the 5 per cent. Banks do not have any good 5 per cent customers today. The banks are paying 6, 7 and 7½ per cent for money to lend.

By this bill we have gone ahead, not only to extend the provision of guarantees to the banks. The first section provides that the caisses populaires, the credit unions and trust companies, any of these organizations that are in the business of taking deposits and making loans, can apply to the minister for certification under this particular act. They too will be able to lend money and be guaranteed against losses.

Not only that, but to encourage the smaller institutions to come in—particularly credit unions—they are going to guarantee 90 per cent of the aggregate principal amount of the loans not exceeding $125,000. And on the next $125,000 they will guarantee them against 50 per cent loss; and then 10 per cent of everything over $250,000. In other words, this is to deal with the situation that Senator Pearson was talking about, to bring in the small credit unions and those smaller organizations in areas that are not served by or are not used to getting the services of the bigger banking institutions that, up until now, have been servicing the large centres in western Canada where big loans are made. This measure provides that they can borrow, not $15,000 in gross, but a total of $25,000. Further, they are not limited to buying certain things, but they can buy land to enlarge their holdings.

I have complete sympathy with the honourable Senator Argue and the honourable Senator Pearson; I am sure every other honourable senator agrees with them and with me when we say that we weep for people who have to pay 9 per cent interest. I weep when I have to pay it myself, and so do you. The fact remains that if we had left the 5 per cent interest figure in, we would have been deliberately and viciously deceiving the farmer into thinking we were doing something for him, when we were only making a hollow and transparent gesture which would not do anything, because that legislation, with the 5 per cent interest rate, would not make one dollar available for farm loans.

Hon. Mr. Argue: It could be subsidized.

Hon. Mr. Prowse: That is not what the bill is about. If you want subsidized interest, that is fine. When we are dealing with a piece of legislation, then let us deal with that legislation. If all we want is an investigation into interest rates in Canada—as they apply to farmers, fishermen, little businessmen, big businessmen, primary producers, secondary industry, or other activity—that is another matter. We have vast numbers of people unable to buy houses in this country because money was not even available at 8½ per cent. Certainly, we have a problem regarding interest rates, but let us not confuse it by saying it is just the farmers who are affected or that the problem applies only to this act. Let us not say that a bill, which is an honest and a responsible attempt to deal with a particular problem, is dishonest because it realistically faces up to a problem that had to be faced.

If we are to make money available to farmers for the things they need, if we are to encourage competition from other lending institutions which we hope will force interest rates down—and that, in the long run is all that can do it—then this legislation will accomplish that. But, if we left the rate at 5 per cent there would be no available money and there would be no new competition. The guarantees and promises would be hollow, because who is going to lend money at 5 per cent when they have to pay 6½, 7 or 7½ per cent to obtain it to lend?

Hon. A. Hamilton McDonald: Honourable senators—

The Hon. the Speaker: I must remind honourable senators that if the mover, the honourable Senator McDonald, speaks now, it will have the effect of closing the debate on second reading.

Hon. Mr. McDonald: Honourable senators, in view of the lateness of the hour, I beg leave to adjourn the debate.

On motion of Hon. Mr. McDonald, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, October 30, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of Convention for the International Council for the Exploration of the Sea. Done at Copenhagen September 12, 1964. Entered into force for Canada July 22, 1968. (English and French texts).

Copies of Treaty on the Non-Proliferation of Nuclear Weapons. Done at London, Moscow and Washington July 1, 1968. Signed by Canada at London, July 23; Moscow, July 29; and Washington, July 23, 1968 (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Government of the United States of America, extending for a period of three years from July 1, 1968, the Agreement of June 29, 1965, concerning the operation in Canada of Mobile Seismic Observatories (project Vela Uniform). Ottawa, June 26 and 27, 1968. Entered into force June 27, 1968. (English and French texts).

Copies of the Tarbela Development Fund Agreement, 1968. Signed at Washington, D.C., May 2, 1968. Entered into force May 2, 1968. (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Government of the United States of America, amending the Agreement of April 13, 1967, concerning arrangements for coordination of pilotage services to be provided in United States waters and Canadian waters of the Great Lakes and the St. Lawrence Seaway as far east as St. Regis (with a memorandum of arrangements). Washington, April 26, 1968. Entered into force April 26, 1968. (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Government of Norway, concerning the scheme of joint inspection of sealing on the "front" area, Newfoundland. Oslo, April 2 and 26, 1968. Entered into force April 26, 1968. (English and French texts).

Copies of Agreement on the Rescue of Astronauts, the Return of Astronauts and the return of objects launched into Outer Space. Signed by Canada April 25, 1968. (English and French texts).

Copies of Agreement to extend for a period of five years the Agreement between the Government of Canada and the Government of the United States of America concerning the organization and operation of the North American Air Defence Command, signed at Washington, D.C., May 12, 1958. Washington, D.C., March 30, 1968. Entered into force March 30, 1968. (English and French texts).

Copies of Protocol done at Brussels February 23, 1968, to amend the International Convention for the unification of certain rules of law relating to bills of lading, signed at Brussels August 25, 1924. Signed by Canada February 23, 1968. (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Austrian Federal Government concerning the Commonwealth War Cemetery at Klagenfurt, Carinthia. Vienna, February 28, 1968. Entered into force February 28, 1968. (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Government of Brazil concerning scientific relations between the two countries. Ottawa, August 29, 1968. Entered into force August 29, 1968. (English and French texts).

Copies of Notes exchanged between the Government of Canada and the Government of Denmark concerning the exchange of Defence Science Information. Copenhagen, May 30, and July 25, 1968. Entered into force July 25, 1968. (English and French texts).

Copies of Air Transport Agreement between the Government of Canada and the Government of the Republic of Panama. Signed at Panama City May 7, 1968. Entered into force provisionally May 7, 1968. (English and French texts).

Copies of the International Coffee Agreement, 1968. Signed by Canada March 29, 1968. (English and French texts).

Copy of the Canadian International Development Agency Annual Review 1967-68. (English and French texts).

POST OFFICE ACT

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Langlois for the second reading of Bill C-116, to amend the Post Office Act.

Hon. M. Grattan O'Leary: Honourable senators, yesterday in moving the adjournment I asked if the honourable Senator Langlois would answer two questions which I posed. Is he prepared to answer them now?

Hon. Leopold Langlois: Yes, I am. The questions were: 1. How much of the Post Office deficit last year was attributable to the carriage of daily and weekly newspapers, as opposed to magazines and other second class matter? 2. How was this figure arrived at?

I assume the honourable senator was referring to the fiscal year 1966-67. The total deficit of the Post Office Department for dailies and weeklies amounted to $6,976,000. The answer to the question as to how this figure was arrived at is fairly long, but in view of the remarks which were made in several quarters, questioning the exactness of the deficits which were given, I think I should give the answer in full. The system of determining revenues and costs of various categories of second class mail is as follows.

Second-class mail is one category for which revenues are maintained separately and accurately. For each publication, whether statutory or regulatory, the annual revenue is recorded because of the system of accounting used for this class of mail.

There are two stages in the determination of costs of any category of second-class mail and any particular publication within each category.

The first stage is the cost ascertainment system used to allocate all cost factors to the various mails and services making maximum use of existing information in the department and conducting sampling programs to supplement it. These sampling programs operate throughout the year and have been designed to produce information of known reliability and accuracy over a period of one year.

The second stage in determining the cost of various categories of publications was a special study carried out during the year 1965, with professional assistance from P. S. Ross and Partners, Management Consultants.

An overall cost model for the second-class mail survey was established which can be applied to the total cost each year. The formulae established yield average costs for each group of newspapers and periodicals.

Because the cost formulae should be simple to apply, the mail operations of the department were divided into three essentially distinguishable areas and the costs in each area were related to the dominant variables in each area. The three areas are: (a) sortation; (b) transportation; and, (c) delivery.

Sortation costs are predominantly a function of the number of pieces, size of each piece, and the degree to which the total mailing of a publication was "made up" by the publisher before it was brought to a Post Office. The effect of makeup has been included in the cost allocation process by means of the flow test samples which yield actual sortation times per piece.

Transportation costs are primarily a function of distance travelled and is also a complex function of weight and cubage. Weight was selected as the second variable, both because specific gravity was assumed uniform and because weight has been the main basis for the definition of revenue.

Delivery costs are assumed to be a function of the number of pieces only and apportioned uniformly on a per piece basis because it was found there is no significant difference in the delivery costs whether it is by letter carrier, rural route, lock box or general delivery.

It is assumed that the second class mail services shall bear their full direct cost and a proportion of fixed costs. This is based on the premise that second-class mail is an integral part of the services provided by the Post Office Department and should therefore bear its part of establishment costs. This principle is consistent with recommendations made by several study teams and commissions on Government—for example, the Glassco Commission Report, volume 3, page 383, which recommend that charges made for services rendered should be designed to recover the full cost of the service.

A question was asked yesterday by honourable Senator Macdonald (Cape Breton) which I answered at the time, but apparently I did not speak loudly enough and my answer was not recorded. His question referred to the rate for the mailing of Christmas cards, whether sealed or unsealed. I answered that the rate is five cents if in unsealed envelopes and six cents if in sealed envelopes.

Hon. M. Grattan O'Leary (Carleton): Thank you very much, Senator Langlois. May I say at the outset that despite my stricture here

last week against the use of comfortable phrases of mutual praise, I do not hesitate at all in saying that, after having listened to Senator Langlois last evening and having read his speech in *Hansard* today, he certainly made the best of a very bad job. I also read the presentation made in the other place, and I say that Senator Langlois's presentation was made in better style and in a more thorough manner than it was in the other place.

Now, this is a very complicated bill. I want first to speak of it from the standpoint of newspapers, about which I am supposed to know a little. I wish to say at once that I have had no communication whatsoever with the Canadian Publishers Association. I have not communicated with them, nor have they had any communication with me. I have not read any of the briefs that they presented to the Postmaster General. I will speak for myself.

First, I want to talk about the figures just given by Senator Langlois. I have no means, nor has any other senator in this chamber the means by which to examine those figures. The Postmaster General in the other place and the sponsor of the bill here say these are our figures and these are the means by which we arrived at them, but I want to know more than that. I want to know what criteria they used in arriving at or sorting out these figures. One of the reasons given in answer to this question was given three years ago by the Royal Commission on Government Organization, Volume III, page 320. The annual statements of the Post Office were dealt with, and this is what Mr. Glassco said:

> As in all departments of government, the operating figures are incomplete and misleading,—

They are dealing with the Post Office. The report goes on to say:

> —because of the omission from the accounts of a number of charges that are borne by common service agencies and not passed on to the users. The Post Office figures are more than ordinarily incomplete because substantial charges are omitted and for certain services rendered to other departments, mainly the carriage of mail, no revenues are earned. The principal expenses of the Post Office not reflected in its accounts are the cost of accommodation, 8.8 million square feet of floor space provided by the Department of Public Works and worth about $25 million per annum, and the superannuation costs for its employees, about $15 million, now charged to the Department of Finance.

The report further states at page 323:

> —The operating results of the Post Office, based on present incomplete accounting, were shown in the preceding chapter—

Further down it states:

> Determination of unit costs and revenues presents considerable difficulty. This arises from the mix of different classes of postal matter, common transportation, common handling of all classes and groups of services by single work forces, and other complexities.

Honourable senators, it seems to me that that is enough to cause us to ask: How did you arrive at these cost figures that are attributed to the carrying of newspapers? I am not questioning the good faith of Senator Langlois, but there was one statement that surprised me a little, and which I challenge absolutely. He said that over the past ten years the Post Office—the taxpayers of Canada, in other words—have paid $300 million into the pockets of newspaper publishers by way of subsidies.

Honourable senators, as I say, I do not challenge the good faith of Senator Langlois, but I challenge that figure absolutely, and I say here without fear of contradiction that it is absolutely incorrect.

That money may have been lost in the carrying of second-class mail, but it was not paid into the coffers of the so-called newspaper barons. That money, so far as it could be charged to newspaper carriage, was passed on to the mail subscribers of the newspapers.

Let me give you an example of a newspaper about which I happen to know something, the Ottawa *Journal*. It has a circulation of 77,000 copies, and of that total only 7,000 copies go to mail subscribers—about 6 per cent. The abolition or the loss of the so-called subsidy for those mail subscribers will mean absolutely nothing to the Ottawa *Journal*. It will mean a saving instead of a gain. These people are charged $17 a year for the newspaper, and the newspaper bears all the cost of delivery to their homes through the mails. We lose on every rural subscriber an average of $10 a year. That is all it means to us, and this is true of every metropolitan newspaper.

We do not deliver the bulk of our newspapers by mail. We have them delivered in the

cities by newsboys. As to towns such as Smiths Falls, Carleton Place and Arnprior we ship our papers by truck and have them delivered there by newsboys. The only people who are going to lose by this are the mail subscribers, because I have seen statements to the effect that we will have to treble our rates. That is not quite correct, but we shall have to more than double them. And when we do that we will be charging $35 a year for a subscription to the Ottawa *Journal*. The same will apply to the Ottawa *Citizen* and to the French language newspaper *Le Droit*. This means that the farmer in the rural areas of Eastern Ontario may well be deprived of a daily newspaper.

I am sure there will be some who will say: "So what? What will they lose?" Well, honourable senators, as was remarked here yesterday, ever since Confederation we have gone on the principle—and I think it is a right principle—that the man living in the rural parts of Canada is as much entitled as is the man living in the city to the information and the education he can derive from a newspaper. You may ask me what education he derives from a newspaper. This, of course, is a question that we hear asked by the advocates of television.

Honourable senators, I will tell you what they get in our newspapers. This afternoon the two Ottawa newspapers will publish more world news than the two evening newspapers in London or the two evening newspapers in the City of New York. If you would challenge that statement I would invite you to buy the two London evening newspapers of today—the *Evening News* and the *Evening Standard*—and compare their world coverage with what appears in the Ottawa *Journal* and the Ottawa *Citizen* and *Le Droit*. Go to New York and buy the *Evening Post* or the *Evening World Telegram*, which are the only two evening newspapers left there, and compare their world coverage with that of the Ottawa *Journal* and the Ottawa *Citizen*.

This is what we give the rural subscriber. We give him the best of the *Manchester Guardian*. We give him the best of the *New York Times*. We give him James Reston. We give him all of these things. I say to honourable senators that if this bill passes—and I am sure it will—many of the people who are getting those services in the rural communities will be deprived of a newspaper because they cannot afford to pay $35 a year for it.

You may say: "Well, this is costing money." Of course, it is costing somebody money, but I can assure you that money is not going into the coffers of the Ottawa *Journal*. We lose money on every subscription we sell in the country, and so does our competitor, the Ottawa *Citizen*. So does the *Globe and Mail*, and so does every daily newspaper in every metropolitan area of Canada. Every newspaper sent to a rural subscriber entails loss. Yet, they talk about $300 million being poured into the treasuries of the newspaper barons over the past ten years. This, honourable senators, is nonsense. It is absolutely incorrect.

The curious thing is that the people who talk that way—the people who say, "Oh, well, if they lose their newspapers they will not lose much"—are the people who are all for television, which we have subsidized over the past ten years by perhaps far more than $300 million. Television has been subsidized by that amount in order to give the people not world news, not news covering the activities of the Senate or of the Parliament of Canada, but Bonanza, the Smothers Brothers, and Ed Sullivan.

I know that people are now saying: "Oh, but look at the educational value of TV." I read the other day that Marshall McLuhan said that a four-year-old child said she did not want to go to school because it would interrupt her education on TV. This is what we are coming to in this country!

There is all this talk about television, and what do we get from television on the activities of this Parliament? We see television taking advantage of every means it can to bring Parliament into contempt. We get unsophisticated, young people who every night of the week give us what they call Viewpoint. If this is the sort of education television is giving in Canada, then I say, "God help Canada." Yet we pay out $145 million to the television, and not a word is said about it. But, to pay $300 million—if that figure is accurate, and I doubt it—to enable our rural population to know what is going on in the world and in their own country is a crime.

Where is this money going? We have heard mention in the other place, and indeed here, of the Winnipeg *Free Press Weekly*. Honourable senators, I happen to know that that paper lost money last year. What happened to the old *Family Herald and Weekly Star*, a paper which I believe nearly all of us read as boys?

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. O'Leary (Carleton): That was a highly respected paper. What happened to it? It went broke, and went out of business. This is what is happening to all the newspapers in Canada which are supposed to get these tremendous subsidies. Today we have amalgamation after amalgamation, and we have come—and I think it is a bad thing—to the one-newspaper town. All over Canada newspapers are going out of business. They are not run by newspaper barons. They have not pocketed $300 million over the past ten years. This is utter nonsense, and this is why I challenge the figures given to us by this Government. We cannot usefully debate this matter if it is general. I think the only way to do it, to get at the truth, is to bring the Postmaster General and his principal officials before our Standing Committee on Banking and Commerce and ask him questions about how they arrived at these figures.

Hon. Mr. Martin: Would the honourable senator permit me to point out that the Postmaster General and his officials will appear before the committee.

Hon. Mr. O'Leary (Carleton): I am very glad to hear it. In the meantime, I think that certain statements made in the other place and in this house should be challenged here, at least in principle.

I am against this bill, because when you get down to it, it is nothing more than a new tax, an indirect tax on people least able to afford it, another tax which will increase the cost of living, another indirect tax to earn revenue to rescue the present Government from the amount of deficit which it cannot control. That is all this bill is.

If the Postmaster General wants to cut down expenditures in his department, to make the Post Office pay—and I doubt whether it will ever pay, because it is a service for which we should be prepared to pay—for heaven's sake do not come along and say that if it were not for the newspapers the Post Office would wipe out its deficit, or nearly wipe it out. Do not say, "You are the devils, you newspaper barons, taking $300 million from the Post Office in 10 years."

Honourable senators, I do not know who supplied the honourable Senator Langlois with a statement like that, but that is the sort of statement I should like to see analyzed in our Standing Committee on Banking and Commerce. More than that, I would bring to that committee the publishers and ask them to present their case and to answer questions as well—not only the Postmaster General, but the other side too.

I think this is a bad bill, but there is something else to be said about it. When this bill was before the other place there were complaints about these steps being taken too fast, too much at one time. One day the Postmaster General said he had taken note of these complaints and remarked, "Having taken account of these various complaints I will ask a colleague of mine to move an amendment with respect to paragraphs (a), (b) and (c) of subclause 2 on page 4 of the bill". Whereupon Mr. McIlraith rose and moved this amendment. I will not read the amendment; it is a long one and you have seen it. He felt this would satisfy public opinion.

I have the report now before me and it quotes the amendments moved by Mr. McIlraith, giving the new impositions by easy stages, or at any rate by stages rather than all at once. This is dealt with on page 5 of the bill, clause 3. This apparently was stuck into the bill after these assurances were given in the other place that the matter would be moved into by stages. The bill now says:

> Notwithstanding subsection (2), (a) the minimum postage for a piece of mail consisting of one or more Canadian newspapers or Canadian periodicals described in paragraph (a), (b) or (c) of that subsection is two cents;

What does that "notwithstanding" mean? What does the two cents mean? Do these things mean that the two cents rate is going into effect at once or by stages? No stage is mentioned there. Notwithstanding the amendments he moved about this going into effect by stages, it says:

> Notwithstanding subsection (2) the minimum postage for a piece of mail consisting of one or more Canadian newspapers or Canadian periodicals described in paragraph (a), (b) or (c) of that subsection is two cents.

Honourable senators, that two cents seems small, but I am told it represents a very considerable increase, and it goes into effect at once; it nullifies the amendments moved by Mr. McIlraith and accepted by the other place in good faith, because when they accepted those amendments in good faith and said that this greatly improved the bill, they did not know about these words, "notwithstanding subsection (2)".

Honourable senators, these are things we must bring to the attention of the Postmaster General. Exactly what does he mean by the two cents? I do not have the exact figures, but I believe there will be a tremendous increase on what is being paid now.

There is another consideration. Small weekly newspapers have no home deliveries in their city. Practically all their papers are delivered by mail. God knows, these papers are not owned by wealthy publishers. These papers will be affected, I think, to the point of destruction.

What about the religious press? All their subscribers are mail subscribers. Do honourable senators think the religious press is prosperous in this country? I know personally that they have a difficult time making ends meet, yet if these rates, representing a 25, 30 and 40 per cent increase in their costs, go into effect at once they will be affected to the point of destruction.

It is not good enough to say that the newspapers knew this was coming. They did not know it was coming in this destructive form. But the big dailies will not be hit; they will go on as before; they may even have savings. But the little fellow, the small newspapers, the religious papers, will all be hit, and hit hard, I believe hit to the point of death.

Honourable senators, I could argue about other things in this bill, which is a very complicated measure, but I believe that the only way to discuss this bill is in committee, where the responsible people will come and answer questions. They will be compelled to answer questions, compelled to tell us how they arrived at the figures. I believe that if we do that, although I doubt that we will change the bill, we will at least do something to enlighten public opinion.

I repeat what I said at the beginning. I think this is a bad bill. It is a new form of taxation. That is all it is, and if this house had the power and the wit it should amend or reject it.

Hon. J. Harper Prowse: Honourable senators, I do not think anybody in this chamber will disagree with the statements we have heard from the honourable Senator O'Leary (Carleton) concerning the necessity of having the press of this country made available to the people of this country. The success or failure of a democracy surely depends on the availability of the widest possible spectrum of views and information to the people who must make the decisions. If we as a Parliament should do something to deny to the people of Canada the widest possible access to the widest possible spectrum of views, then we have done a disservice to the democracy in which we say we believe.

I think it would be a great pity and a tragedy if the people of Canada, for the information on which they must depend in order to decide what things they should and should not believe, what things they should support or oppose, should be left to the unbelievable bias which we hear every Sunday night on two network programs which all Canadians must look at, and which pass under the guise of public information but which are poorly disguised and badly presented propaganda programs.

So, the only thing I would say as to the principle of the bill before us is this: Do we, as a Parliament, think that a particular Government department which provides services ought to collect from the people who benefit from those services the cost of those services? This is what the bill attempts to do. Unfortunately, when we have to deal with it we find ourselves confused by the fact that some of those services are not merely the carrying of newspapers, but are also the dissemination of information.

I suggest that probably what ought to be done is that these two problems should be separated. When we vote for the principle of the bill, we should bear in mind that the principle with which we are dealing is a decision which has been made at the governmental level that the Post Office ought to collect revenues from somewhere in order that the revenues should equal the cost of the services provided.

If, on the other hand, we feel that part of those services are necessary and in the public interest, then we should deal with it by way of providing for the papers a kind of subsidy assistance similar to that which we presently provide for the C.B.C., in order to serve the areas to which Senator O'Leary (Carleton) specifically referred. In other words, in discussing this bill let us not confuse two principles. First, should a Government department which provides a specific service of carrying parcels for people from one part of the country to another, collect the cost of that service from those people whose parcels it carries? That is what we are dealing with basically in this bill. Secondly, there is the principle of the responsibility we may have, as the Parliament of Canada, of subsidizing agencies which perform certain functions

which we may or may not consider important but which, with Senator O'Leary (Carleton), I agree fulfil the most important function of providing information to the public.

I suggest that what we have here is not a difference of opinion about the principle of the bill. The principle is, as Senator O'Leary would be the first to say, and did say—in fact he quoted the Glassco Commission as saying so—that services which are provided ought to be paid for, unless there is an area where obviously they cannot be paid for and are carried purely on the basis of public service and necessity.

Therefore, I suggest that we should support the principle of the bill we are now discussing on second reading. Then, if as a result of our discussions and the inquiry which will be conducted in committee, we decide that there is an injustice being done—and I am not concerned about the newspaper publishers; I am only concerned about the people of Canada—if we decide that in our attempt to apply the principle of this bill we are denying certain sections of the public the information which they ought to be able to get at a price which they can afford, then, surely that presents to us, as the Senate, the responsibility of initiating the kind of discussion which will result in making the other adjustments necessary to make those services available.

The fact is there is a problem which ought to be concerning every one of us today, that in practically every metropolitan centre in Canada there is only one daily available from which people can obtain information. Except for Toronto and Montreal, I believe that to be true. These are the things that ought to be concerning us, because they strike at the very principle of the freedom of the press.

Here the simple question is: Do we want the Post Office to pay its way? If we do, we vote for the bill in principle, and then we fight about it in committee.

I am prepared to accept the bill in principle; I think we all are. I suggest that in our discussions we reserve our dissension for the proper place in which to disapprove, namely, in the committee.

Hon. Leopold Langlois: Honourable senators,—

The Hon. the Speaker: I remind honourable senators that if the honourable Senator Langlois speaks now, it will have the effect of closing the debate.

Hon. Mr. Langlois: Honourable senators, I only want to make some brief remarks on what was said by the honourable Senator Desruisseaux and the honourable Senator O'Leary (Carleton).

Starting with Senator Desruisseaux's remarks, I will use my mother tongue.

[*Translation*]

Honourable senators, yesterday the honourable Mr. Desruisseaux mentioned the case of one newspaper in particular, the Sherbrooke *Daily Record*. Although I have here statistics on several Canadian newspapers, unfortunately I do not have any for the paper in question.

Still, in the course of his remarks, the honourable senator mentioned two other papers, the Moncton *L'Evangéline* and the Montreal *Le Devoir* I believe. In the case of *L'Evangéline* the total circulation is now 8,405 of which 6,262 copies are sent by mail. The annual subscription by mail costs $15 while home delivery costs $26, or $11 more than by mail. The increase in postal rate will represent an additional annual cost of $5.31. Adding $5.31 to the present cost of the subscription by mail, you get a total cost for subscription by mail of $20.31, as compared with the subscription for home delivery which costs $26, that is, $4.69 more.

Here are the statistics I have on the *Le Devoir*: total circulation, 41,152; subscriptions by mail, 18,432; the subscription by mail is $20, whereas home delivery costs $31.20, that is, $11.20 more. The annual cost at the new postal rate will amount to $3.57. That is to say that to compensate for this increase in the postal rate the paper only has to increase the cost of its subscription by mail by $3.57. Even then the cost will be less than home delivery.

In this regard, I must add that the figures I have just given on the cost of the new tariff over a one year period is based on applying the new rate to the mail subscriptions only. Now, it is easy to understand that if the additional cost of the increased rates is spread over the total circulation, the figures I have given would be much lower.

Honourable senators, it should also be noted that only about 10 per cent of the whole circulation of newspapers is mailed out. That means that the other 90 per cent is delivered at home or sold at newsstands.

[*English*]

Honourable senators, now I wish to make a few comments on the remarks of the honourable Senator O'Leary (Carleton). I first wish to thank him for his kind words, but I feel

way you like—the publisher can pass it along that he should have reversed his sentence when he said that I made the best of a bad job. He should have said that I made the worst of a good bill, but his kindness of heart made him change it, and so I shall not complain—far from it. He referred to the Glassco Report in which it is stated that the annual report of the Post Office Department is incomplete because many important charges are omitted. This was probably true at the time the Glassco report was made.

As I said yesterday, the Post Office Department balance sheet now includes charges for accommodation and depreciation of equipment which was not the case before, and its annual report now reflects the actual situation and gives a true picture of the operations of the Post Office Department for the year.

I understand that Senator O'Leary (Carleton) did not challenge the figure of $300 million which I gave yesterday, but I wish to remind him that I did not state that this was a subsidy to the publishers, because this covers the total deficit for a period of ten years for all second-class mail.

Now, he made reference to television and I assume that he was referring to state-owned and state-controlled television, and the remark I made yesterday about a similar comment made by Senator Flynn applies, that is, that the content of publicity on television is controlled by Government regulations, whereas we have no similar regulations with regard to the newspapers, which are free to have the advertising content they desire. In this respect I wish to point out that some newspapers have an advertising content as high as 75 per cent and 80 per cent.

Senator O'Leary also referred to the subsidy that should be paid to the newspapers and/or the public in order to encourage the dissemination of information. I am in favour of this, and I touched on that point yesterday, but I feel that if we are going to subsidize the Canadian people on news, then we should do it through a direct subsidy, by a fixed amount in the Estimates which could be debated each year. As it is now, we have a subsidy which is hidden in the deficit of the operations of a department. It is hardly ever discussed in this or the other house, as I said yesterday. I do not think this is the way a subsidy should be paid.

There is another point which is worth mentioning. As it is now, by letting the Post Office Department operate at a very high deficit in the form of a subsidy to the publishers or to the public—you can put it the to the public in their newspaper and other publication subscriptions. We are asking the taxpayers of Canada, whether or not they are readers of these publications, to pay part of that deficit. If we increase the rates, as we are doing by the present legislation, we are distributing more fairly the burden of the subsidy to the readers. I think this is a principle which must be borne in mind.

The Hon. the Speaker: Honourable senators, it is moved by the honourable Senator Langlois—

Hon. Mr. Desruisseaux: Mr. Speaker, on a question of privilege, I would like to point out that the figures given by me are at odds with those given by the honourable Senator Langlois. I have a brief here which quotes the Sherbrooke *Daily Record,* and it is the same as I have given. This is not an important point but I do want to mention it because of what was said about the *Evangéline,* a maritime paper. I feel it necessary to add that to keep it alive financial support by subscription was given to this paper, and the supporters were headed by citizens from all parts of Canada. They received subscriptions of over $100,000 at one time, because they had to cover a deficit. They also received from the Government of France, for cultural reasons, an amount of approximately $100,000 to make up a new deficit. I understand there is a further amount to be given by France.

Mention was also made of *Le Devoir* and to certain figures contained in a brief submitted to the Postmaster. There were 18,300 mail subscribers. The newspaper actually paid $58,000 odd. The proposed rate, according to *Le Devoir's* figures, would increase the amount to be paid to $124,000. The rate per subscriber is therefore moving from $3.21 to $6.79. These are the figures I have. The brief was presented to the Postmaster General, and it was not contested.

Motion agreed to, and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Langlois: Honourable senators, as I indicated yeterday in introducing the bill, it was my intention to move that it be referred to the Standing Committee on Transport and Communications. That is still my intention, but I would ask now for leave to revert to Motions.

Hon. Mr. Flynn: It is not necessary for the house to revert to Motions for the honourable senator to move the referral of the bill.

Hon. Mr. Langlois: My intention in asking leave to revert to Motions is to enable me to move that Rule 86 be suspended, because the committee will probably be sitting while this house is sitting.

Hon. Mr. Flynn: Then the honourable senator should first move that the bill be referred to committee.

Hon. Mr. Langlois: Honourable senators, I move that the bill be referred to the Standing Committee on Transport and Communications.

Motion agreed to.

SUSPENSION OF RULE 86

Hon. Mr. Langlois: Honourable senators, I move, seconded by honourable Senator Dessureault, that Rule 86 be suspended with respect to Bill C-116, to amend the Post Office Act, and that the Standing Committee on Transport and Communications be empowered to consider the bill while the Senate is sitting.

Before this motion receives your consideration I wish to add that it is intended to have the committee sit as soon as the Senate rises this afternoon, and if it has not completed its work before the supper hour, it will continue later.

Motion agreed to.

Hon. A. Hamilton McDonald: Honourable senators, may I have leave to correct a mistake, for which I must assume full responsibility? Because of what has taken place in the chamber this afternoon it has been decided that Bill C-116 should go to the Standing Committee on Transport and Communications at 8 o'clock tonight, rather than when the house rises. Obviously, it will be impossible for the committee to complete its work before the dinner hour, so the members of the committee should be able to have their dinner, and then attend the meeting of the committee at 8 o'clock.

I apologize to Senator Langlois for not informing him earlier, but I was unable to do so.

The Hon. the Speaker: Honourable senators, is it agreed that the Standing Committee on Transport and Communications will sit at 8 o'clock this evening?

Hon. Senators: Agreed.

PRAIRIE GRAIN ADVANCE PAYMENTS ACT

BILL TO AMEND—SECOND READING

Hon. Herbert O. Sparrow moved the second reading of Bill C-113, to amend the Prairie Grain Advance Payments Act.

He said: Honourable senators, it gives me a great deal of pleasure to move the second reading of this bill to amend the Prairie Grain Advance Payments Act. At the commencement of my remarks I should like to make reference to the need for this bill, and the urgency with which it should be passed.

I am not sure whether it is in order to give weather reports in this house, but perhaps I can mention that the weather in Saskatchewan and western Canada generally has much improved, and it is expected that the harvest will be completed if the weather which that part of the country is presently enjoying continues for another week or ten days.

The act that this bill amends is good legislation, and I believe it will be made better by the amendments that are proposed. As I have mentioned, there is some urgency in that the farmers of western Canada should be able to take advantage of the provisions of this bill as soon as possible.

I should like to review for you the operations conducted under the original act. The Prairie Grain Advance Payments Act was proclaimed on November 25, 1957, and it is intended to provide readily available operating cash for producers who are unable to deliver grain to the elevator system when the elevators are full or when there has been no quota established or an insufficient one to permit the producer to deliver grain.

During the period of eleven years that this act has been in effect, approximately 21 per cent of the eligible farmers have taken advantage of its provisions and received an advance each year. The total of cash advances for the eleven-year period is $450 million, with an average annual advance of $40 million. In 1967-68, the crop year just over, the total advance was $47 million, and the highest advance in the eleven-year period was in 1963-64 when a total of $62 million was advanced.

The recovery rate through the eleven-year period has been excellent. During the debate on the second reading of another farm bill, reference was made to the honesty of the western farmer in his efforts to respect to the best of his ability any obligation he undertakes. I think that has been proven by the operations under this act where the recovery

of advance payments throughout the eleven-year period has been 99.5 per cent.

The interest costs on advancing this money to the farmer have been borne by the Government, and the total over the eleven-year period is $7.5 million. The defaults of 0.5 per cent comprise a total amount of $49,845 for the eleven years. That is a very small amount of money by which the farmers of Canada, primarily the western farmers, have defaulted in those payments.

The benefits derived from this act have gone mainly to the small producer, because the average advance per year has been under $1,000. The low average was $698, and the high average was $992 up until this past year, when that average went up to $1,032.

The main features of the proposed amendments are as follows. As I hope you are all aware, the maximum advance allowable under the previous act was $3,000. The amendment is designed to increase that amount to a maximum of $6,000. The rate of advance will benefit both the larger and smaller producer, as not only is the amount of $3,000 doubled to $6,000, but the amount per bushel allowable will also be doubled. The previous rate on wheat of 50 cents per bushel advance has now increased to $1; on oats, from 20 cents to 40 cents, and on barley, from 35 cents to 70 cents.

There is also a change in the unit quota. I assume most honourable senators know the quota system. Initially at the beginning of a crop year each farmer in the wheat business who has a quota book, regardless of the acres he may have seeded, is allowed a unit quota of 400 bushels. Originally this unit quota was left out of the act so that the farmer could borrow only on the unit quota on the basis of six bushels per acre. Now he can borrow on that initial quota as well as a six-bushel quota per acre.

In the pay-back period on advance payments there is basically no change, as each farmer who delivers grain to an elevator will receive half of the amount he would normally get at the delivery time, and the other half goes to pay back the advance he has received. As an example, if a farmer were fortunate enough to deliver a bushel of No. 1 wheat today he would receive—this is an average figure in the west—$1.50 a bushel at the delivery point and he would pay back half of that, or 75 cents for each bushel on the advance he would previously have obtained.

Under the act—and there is no change in this regard—there is only one advance made payable to a farmer throughout a crop year. This is not changed. However, under these amendments a farmer will be able to get the increased amount of the advance even though he has already applied and received an advance for this year; in other words, the increased amount will apply and he will be able to receive that increased amount.

The Canadian Wheat Board administers this act and the elevator companies, through their agents, advance and collect the payments on behalf of the board.

Honourable senators, those are my remarks on the bill at this time. I have additional information if it should be required later.

Hon. Walter M. Aseltine: Honourable senators, I am very much in favour of this bill. I should be, because I sponsored the original bill in this chamber in 1957. For many years prior to 1957 the farmers in the Prairie provinces advocated some legislation of this nature. They repeatedly requested that there should be some system of advance payments made to them by the Government if the quota system was in effect, and if under the quota system they were unable to market any considerable amount of grain after they had threshed it and put it in their bins on the farm. Nothing was done at that time because the government of the day was of the opinion that it would not work satisfactorily.

However, when the administration changed in 1957 and the Progressive-Conservative government took charge of the affairs of this Canada of ours, one of the first things they did was to introduce a bill known as the Prairie Grain Advancements Act. That act was assented to on November 2, 1957. As the honourable sponsor (Hon. Mr. Sparrow) of this amending bill said a few moments ago, it proved very satisfactory and worked to the great advantage of the prairie farmers. The honourable Senator Pearson also had something to do with the Prairie Grain Advancements Act at a later date, because he sponsored the first amending bill to the original act passed in 1957.

Hon. Mr. Martin: Two good sponsors.

Hon. Mr. Smith (Queens-Shelburne): Both farmers.

Hon. Mr. Aseltine: I am not so sure about being good sponsors, but we did the best we could under the circumstances. We had no difficulty getting the original bill passed through the Senate, and later the amending

bills which were required to make the act function more satisfactorily.

The new honourable senator from Saskatchewan (Hon. Mr. Sparrow) gave a very full description of exactly what Bill C-113 is intended to do. However, he did not tell us that it is the Canadian Wheat Board which acts as the agent for the Government and arranges for the payment of the money to the farmers when their applications have been accepted. He has told us that the amount of the 400-bushel unit quota, which is given to every farmer as soon as threshing is over on or about September 1, will not in future be subtracted from the amount of grain the farmer has on hand. That is a big advantage.

I am sorry that the farmers require this double advance. On two previous occasions I have explained the condition that prevails in the western provinces which make it necessary for farmers with such a small delivery quota to carry on without doubling the advance provided for under the original act. The farmers' costs have doubled in recent years. A few years ago a combine could be bought for about $3,000; today it costs $12,000. A week ago I was talking to a farmer at Kindersley who has a combine which cost $15,000. He is a big farmer and of course requires a big machine. He said that when the weather was good he threshed about 500 bushels an hour with that machine. Other machines which farmers use out there—such as seeders, discers, trucks, cultivaters—all have increased in price. Indeed, the prices have not only doubled but have increased by several times, with the result that a farmer with an economic unit of, say, a couple of sections or more requires about $50,000- or $60,000-worth of machinery. Those farmers, and the smaller ones too, require this additional advance at this time.

Honourable senators, these advances have to be repaid in the crop year. I would like to give you three examples of just how this is worked out. Take, for example, the farmer with a 500-acre farm. If he is growing wheat, his specified acreage is 500 acres. When he applies for an advance on his 500-acre farm he can obtain $3,000. The quota is six bushels to the specified acre, and by multiplying the specified acreage by six you get the amount of money he can receive by way of an advance under this act. If it is No. 4 wheat—as most of the wheat we are threshing there now is—he receives an initial payment of $1.30 per bushel. As he markets his grain the farmer will pay back 65 cents a bushel, and when he has marketed his six-bushel quota of 3,000 bushels he will have paid back only $1,950 during the crop year, and will be in debt $1,050 to the Wheat Board, because his advance was originally $3,000. If he applies for an advance the next year he will receive only $1,950 because he already owes $1,050 on his previous advance. That is not a very satisfactory situation, because he will be a long time getting out of debt.

Take the same farm, but with No. 1 wheat. As was stated a moment ago, the initial payment is $1.50 per bushel. The farmer will pay back 75 cents a bushel in the first crop year. He will have paid back $2,250 on his advance at the end of that crop year, and will owe $750 to the Wheat Board, which will be carried over and deducted from the advance he obtains in the next crop year.

Take another farm where the specified acreage is 800 acres. A 500-acre farm is not a large one in our country, but an 800-acre farm is a section-and-a-quarter of land and it is getting nearer to the economic unit. The six-bushel quota at $1 a bushel advance will give the farmer $4,800. He pays back half of the price he receives for each quota delivered by him as and when quotas are authorized by the Wheat Board. He will pay back 65 cents a bushel if the wheat is No. 4, and when he markets the total six-bushel quota of 4,800 bushels that he is allowed, he will have paid back only $3,120, and will be in debt $1,600, which will have to be deducted from his next year's advance, leaving him only $3,200 for the second year. So, if the quota remains at six bushels per specified acre, he will be a long time getting out of debt. However, if he grows No. 1 wheat he gets an initial payment of $1.50 a bushel, and pays back 75 cents a bushel. So that when he has marketed his 4,800 bushels he will have paid back only $3,600, and will still owe $1,200.

I want to deal next with the larger farm, one of 1,000 acres. A farmer who has a 1000-acre farm on which he grows wheat only will receive a six-bushel quota, and will get an advance of $1 per acre. His advance would be the full $6,000, which would be double what he could get previously. He will be in a better position than the other two farmers I have mentioned, because when he markets his grain he will have paid back 75 cents a bushel, or $4,500, and will still owe $1,500, leaving him $4,500 on the second year's advance.

That is the situation, and it is unfortunate that with a quota of six bushels per acre it is impossible for a farmer to pay back his

advance in the year in which he obtains it. What he still owes is carried over into the next crop year and is deducted from the advance which he is allowed to obtain in that year, but no interest is charged. If the Wheat Board decides that he is in default, he is charged 6 per cent interest on the amount in default until it is repaid. In my opinion, therefore, the quota should be at least eight bushels per specified acre. That would give the farmer $8,000 on a 1,000-acre farm, and with wheat at an initial payment of $1.50 a bushel he would pay back his full $6,000 advance.

Hon. Mr. Benidickson: That is if it is No. 1.

Hon. Mr. Aseltine: But, as I said before, in none of the examples I have given will he be able to do so. I understand an amendment to raise the quota to eight bushels was moved in the other place, but it was defeated by quite a substantial majority.

It is obvious from what I have said that the farmers cannot make a living if they can only sell six bushels per specified acre in a given crop year. However, this amendment will help the farmers greatly, until such time as the markets open up and they are able to sell more grain.

However, the fact that this is of some assistance does not free the Government from the responsibility of selling wheat. I urge them to get out and sell. This is just temporary legislation, and I do not see that the setting up of the Grain Council at the expense of the farmers will do very much good. What can it do that the Wheat Board and the Government cannot do at the present time?

That is all I wish to say with regard to Bill C-113. I am glad this advance has been doubled and I know that many farmers will take advantage of it. In the district where I carry on my operations, a great many farmers have not been taking advances at all. They have been able to finance their own operations despite the fact that the quotas have been lowered.

Before concluding I may say that I had a telephone message yesterday and the sun was shining once more, the temperature was 70 degrees Fahrenheit and the farmers were back on the land and combining their grain. It was grading about grade No. 4 or 4 tough, but still they were able to pick it up in the combines fairly dry—about 15 per cent moisture, which is what the elevators will accept. If this continues for another week we will be in fine shape.

Hon. Hazen Argue: Honourable senators, this bill is an excellent step forward and a bill that I am sure will receive the full support of this chamber. However, I want to say one or two things about it because I feel that there is a flaw in the bill itself. I may be mistaken, but since I feel that that flaw is there I wish to express my opinion, and one year from now we shall know whether those of us who think there is such a flaw in this bill were correct or whether the bill itself was drawn in the best possible terms.

As has been said, some years ago it was felt that interest-free cash advances were an impossible thing. Now we have a bill which is increasing and doubling them and I think that is a good thing, but I am afraid that the method of repayment is going to place the farmer a year from now in a worse position than he needs to be. With the glut of wheat on the prairies and the difficulties that everyone admits in obtaining markets, I can see no hope whatsoever—I hope I am wrong—of the Wheat Board getting a quota above six bushels an acre. If they get a quota generally across western Canada of six bushels an acre with the room to accept it, they will be very fortunate indeed.

If this should be correct, and I think Senator Aseltine agrees with me, then it means that a farmer who has borrowed $6,000 or any other sum, will have repaid under the terms of this bill about two-thirds of the amount. Therefore, if he has borrowed $6,000 and repays $4,000, a year from now he will still owe $2,000. There could be exactly the same kind of situation next year, at which time he would no longer be eligible for a $6,000 loan. Actually he would be eligible for a $6,000 loan less the $2,000 he still owes from the previous year. So he would be in the position of being able to obtain only a $4,000 loan. I think it would have been a sounder position to have had the repayments in keeping with the likely quotas rather than basing them on unlikely quotas. It would have been a better business proposition for the farmer. It seems to me that, in a sense, under the present bill the Government and the Wheat Board are really guaranteeing an eight-bushel quota. This they cannot do, but they are trying to do it. As I see it, next year they will have to amend the act so the farmer can still get $6,000 clear. Then they will have to go one step further and actually purchase the grain on the farms. That is probably what is coming and perhaps it should, but as a grain producer and as one who has had some

experience, I do not think it is a wise policy to entice farmers to go into a current debt. The likelihood is that he will not be able to pay it within the year and consequently he will jeopardize his cash position at that time. It is not normal for me to complain that a bill has gone too far. I scarcely remember ever having done so before.

Hon. Mr. Flynn: I do not.

Hon. Mr. Argue: But, I think this is a danger. As I said, a year from now we will know, but certainly the bill is a welcome measure and the farmers need the money.

Motion agreed to and bill read the second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Sparrow: Honourable senators, I move that the bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Aseltine: Honourable senators, I think we should try to expedite this bill as much as possible. If the committee could meet tomorrow and hold its deliberations, there is a possibility we might give it third reading the same day.

The Hon. the Speaker: May I suggest that if honourable senators would like to meet in committee while the house is sitting, Rule 86 would have to be suspended, as was done on another bill.

Hon. Mr. Flynn: That will not be necessary.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 308 to 348, inclusive, which were presented yesterday.

On motion of Hon. Mrs. Fergusson, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mrs. Fergusson, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 305, for the relief of Gordon Gallagher.

Resolution 306, for the relief of Yves Desjardins.

Resolution 307, for the relief of Margaret Brown Barrie Denyar.

Resolution 308, for the relief of Marie Jeanne Claire Ste Marie Hurtubise.

Resolution 309, for the relief of Catherine Irene Flanagan Ottier.

Resolution 310, for the relief of Marie Achilli Cipolla.

Resolution 311, for the relief of Adorina (Dorina) Muriel Lapierre Brown.

Resolution 312, for the relief of Andrew Dorden.

Resolution 313, for the relief of Colette Goulet Lafleur.

Resolution 314, for the relief of Eleanor Ann Burnett Smith.

Resolution 315, for the relief of Marie Andree Marguerite Alice Beaudry Feldman.

Resolution 316, for the relief of Lloyd Gordon Pennell.

Resolution 317, for the relief of Pauline Perreault La Fleche.

Resolution 318, for the relief of Cecile Lapierre Ladouceur.

Resolution 319, for the relief of Maurice Saint-Onge Hebert.

Resolution 320, for the relief of John Linton Ronald Armstrong.

Resolution 321, for the relief of Ann Shirley Albert Weinstein, otherwise known as Ann Shirley Albert Waine.

Resolution 322, for the relief of Nora de Jong Zegel.

Resolution 323, for the relief of Lola Jean Kelly Saunders.

Resolution 324, for the relief of Lois Jean MacNeill Bridger.

Resolution 325, for the relief of Vladimir Getcha.

Resolution 326, for the relief of Micheline Maria Galmiche (Gahniche) Scheibl.

Resolution 327, for the relief of Guy Charles Louis Jules Borremans.

Resolution 328, for the relief of Jacqueline Denis Petit.

Resolution 329, for the relief of Beverley Anne Lewery Weston.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mrs. Fergusson: Honourable senators, on behalf of the honourable Senator Roebuck, I move that these resolutions be placed on the Orders of the Day for consideration on Tuesday next.

Motion agreed to.

RULES OF THE SENATE

MEETING OF SPECIAL COMMITTEE

Hon. Hartland de M. Molson: Honourable senators, as we have reverted to Presentation of Petitions, I should like to make a brief announcement. The meetings of committees have become a little complicated tonight in view of the fact that the Standing Committee on Transport and Communications is sitting at 8 o'clock. The Special Committee on the Rules of the Senate has given up its room in order to allow the Standing Committee on Transport and Communications to hold its meeting. The Rules Committee will therefore meet in the Reading Room on the north side of the building at 7.30 p.m.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, having regard to the fact that several committees are either now sitting or will be sitting this evening, and many members of this house will be attending the meetings of those committees, perhaps it would be better that Orders numbered 1, 5, 6, and 7 be allowed to stand.

The Hon. the Speaker: Honourable senators, is it your pleasure that Orders 1, 5, 6, and 7 stand?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, October 31, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

Government House
Ottawa
31 October 1968

Sir,

I have the honour to inform you that the Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 31st October at 5.45 p.m. for the purpose of giving Royal Assent to certain bills.

I have the honour to be,
Sir,
Your obedient servant,
Esmond Butler
Secretary to the Governor General

The Honourable
The Speaker of the Senate,
Ottawa.

PROPERTY QUALIFICATION OF SENATORS

CORRECTION OF RETURN

The Hon. the Speaker: Honourable senators, on Tuesday last, October 29, I presented to the Senate a return by the Clerk of the Senate with reference to the property qualification of senators. I regret to inform you that the name of the honourable Senator Dessureault was inadvertently omitted from this return.

Therefore, it is ordered that the return by the Clerk of the Senate dated October 29, 1968 with reference to the property qualification of honourable senators, printed in the *Minutes of the Proceedings of the Senate* of Tuesday, October 29, 1968 be corrected by the Clerk as follows: On page 273 of the said Minutes insert the name of the honourable Senator Dessureault immediately after the name of the honourable Senator Desruisseaux, and correct the original return accordingly.

Honourable senators, this is a most unfortunate incident since I have to inform you that the honourable Senator Dessureault was one of the first of all honourable senators to renew his declaration of property qualification.

POST OFFICE ACT

BILL TO AMEND—AUTHORITY TO PRINT

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, presented the following report of the committee on Bill C-116, to amend the Post Office Act:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, reported that the committee had considered Bill C-116, to amend the Post Office Act, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Flynn: When shall the report be adopted?

Hon. Mr. Langlois: With leave, now.

Hon. Mr. Flynn: The report should be adopted first.

The Hon. the Speaker: I now ask honourable senators if they agree that this report be adopted.

Hon. Senators: Agreed.

THIRD READING

The Hon. the Speaker: Hourable senators, when shall this be read the third time?

Hon. Mr. Langlois: Honourable senators, with leave of the Senate, I move third reading now.

Hon. M. Grattan O'Leary: Honourable senators, before this motion is adopted and we take leave of this bill, I would like to ask a question of Senator Langlois, the sponsor of the bill. Despite our confrontation last evening with the Postmaster General, which I am afraid was more lively than enlightening, there is still some confusion in the public mind about the effect of the clause which says that the minimum mail postage of newspapers will be two cents. I wish to ask Senator Langlois, does this mean that the two-cent rate will take effect immediately after the passage of this bill or will it be held over until April 1, as is the case with other increases?

Hon. Leopold Langlois: Honourable senators, I am pleased that the honourable Senator O'Leary (Carleton) has risen to ask this question. Apparently in the heat of the very interesting exchange between the Postmaster General and the honourable senator yesterday before the Standing Committee on Transport and Communications some confusion arose. Senator O'Leary asked whether the Government had made clear to the publishers that the new two cents minimum rate increase on each piece of mail would be put into effect immediately. The answer of the Postmaster General was: "No, nobody in the Opposition has asked me the kind of question that you ask me now." This answer was interpreted as meaning that the two cents minimum piece rate provided for under subsection (3) of clause 4 of the bill would come into force immediately. That is not so. Honourable senators will note that clause 12 of the bill reads as follows:

> Section 3 shall come into force on the 1st day of November, 1968 and sections 2 and 4 shall come into force on the 1st day of April, 1969.

Consequently, this two cent minimum charge will come into effect on April 1, 1969 only.

Hon. Mr. O'Leary (Carleton): I thank the honourable senator for his reply. Although it is still a bad bill, it is not quite as bad as I had first thought.

Hon. Hazen Argue: Honourable senators, I wish to read from the record of the meeting of the Standing Committee on Transport and Communications of last evening. At that time I had asked a number of questions in relation to the possible effect of this legislation on the rural or agricultural weekly newspapers of the country, with particular reference to the *Western Producer.*

Honourable senators will know that the *Western Producer* is a farm publication, published in Saskatoon, Saskatchewan. Last year, it had a circulation—

The Hon. the Speaker: Order, please. Would the honourable Senator Argue tell the house whether he is rising on a question of privilege, or to correct a statement, or is he speaking on third reading?

Hon. Mr. Argue: Mr. Speaker, I am speaking on the third reading but my only purpose in speaking now is due to certain events which took place in the committee last evening, in regard to the information we were to get and which subsequently we are informed by the officers was incorrect. This information was given last evening. I feel I should speak now to correct my own position, to clear the record and to put the facts on the record.

I referred to the publication, *Western Producer,* which had a distribution last year of a total of 8,561,000 copies of the publication. That publication contained an editorial on September 19, 1968, complaining that the postal rates appearing in the Government's proposal would seriously jeopardize its ability to survive. They were protesting against this step in the strongest possible terms.

My questions to the Postmaster General last evening were an endeavour to obtain information as to whether the increase in postal rates would be likely to damage this publication seriously. I think it is a particularly good publication and one which all honourable senators would wish to see remain in a healthy position, carrying on its work of providing technical information to farmers, news coverage, and of course the promotion of the co-operative movement.

Having referred to this editorial, I asked the Honourable Mr. Kierans, the Postmaster General, whether or not the *Western Producer* itself had made any representation to the Government about this question, and his answer was "No."

I asked him further whether the Canadian Federation of Agriculture, which takes an interest in these matters, had made representations in regard to rural publications, and his answer was "No."

I asked whether Mr. Charles Gibbings, President of the Saskatchewan Wheat Pool, which organization owns the *Western Producer,* had made any representations to the Government protesting against what was proposed to be done, and his answer again was "No."

My comment was to the effect that if they had not protested to the minister, even previously, it was not a very serious thing. However, I have been handed since then a copy of a telegram addressed to the Postmaster General on October 15 and, in fairness, I think it should be in the record.

The telegram reads:

> Proposed postal rate on second-class mail will have disastrous effects all farm newspapers. In case of our own publication, the *Western Producer*, now in serious deficit position, an increase of more than two hundred percent in bulk postage charge will seriously threaten continued existence. No other medium is capable of representing farm newspapers. Urgently seek opportunity to present our case to house committee before bill is passed.

I have been informed since that there was such a deluge of telegrams that this particular one was not brought to the attention of the minister because it was considered in a whole mass of telegrams that had been received but were not acknowledged. Well, that is regrettable. I would think the Postmaster General would regret it. As a senator I certainly do regret it because, had I been aware that this telegram was in existence and that this request had been made, I would have proposed—and I believe honourable senators would have agreed—that the Senate committee should invite Mr. Charles W. Gibbings, the President of the Saskatchewan Wheat Pool, to appear before it. He is a reasonable man, an outstanding agriculturalist, and this would, I am sure, have served his purpose just as well as appearing before the committee of the House of Commons.

Mr. Speaker, as I said, I rose to correct that part of the record.

I also want to say that the information which was given to us last night, without any other information from the newspaper involved, shows that for the *Western Producer* the final increase will be 73 cents per issue per year. I hope that amount will not put that publication in great financial jeopardy. I hope it will be able by one means or another to absorb this increase. It is an important publication and deserves to remain in a healthy state. I would express my own personal opinion and belief that if it is put in any financial jeopardy, the Senate of Canada would be pleased to hear their case and, if certain recommendations are necessary to keep it in a healthy position we would be glad to make them, because, certainly, rural agricultural publications for the health of the nation are as important as other cultural and educational institutions.

Hon. Leopold Langlois: Honourable senators, I would like to make a brief remark in reply to the statement made by the honourable Senator Argue.

This morning, as soon as I was informed by an official of the Post Office Department that such a telegram had been received from Mr. Gibbings, I immediately telephoned Senator Argue to inform him of the situation. First, I should say that the Post Office officials received heaps or tons of telegrams and other communications in connection with this piece of legislation, and I think it can be put down to human frailty that last evening the Postmaster General did not recall every one of those telegrams, especially this one, since it did not require immediate action owing to the fact that its sender, besides protesting the increases, merely asked for an opportunity to appear before the House of Commons committee and, as honourable senators know, that house committee never sat to consider the bill.

Hon. Gunnar S. Thorvaldson: Honourable senators, as chairman of the Standing Committee on Transport and Communications, I think I should say a word or two with regard to Senator Argue's suggestion that Mr. Gibbings should have been invited to come before this committee when it considered the Post Office bill.

It may be accurate to say that Mr. Gibbings' telegram did not reach the minister. Nevertheless, a fact that Mr. Gibbings must be well aware of is that committees of the Senate are at all times willing to and do hear any representations presented to them by interested persons. As I understand the situation now, the telegram from Mr. Gibbings was dated October 15, which is two weeks ago. Surely, if Mr. Gibbings wished to appear before the committee that considered this bill last evening, he should have sent the usual request to appear before it. This is what is usually done by others asking to be allowed to appear before the committee. I am sure that his organization has ample experience of dealing with Parliament and particularly with committees of the Senate. Therefore, I do not think that anyone can be blamed for Mr. Gibbings' failure to attend before this committee.

The Hon. the Speaker: With leave of the Senate, it is moved by honourable Senator Langlois, seconded by honourable Senator Cameron, that this bill be now read a third time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Flynn: On division.

Motion agreed to and bill read third time and passed, on division.

RULES OF THE SENATE

THIRD REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Hartland de M. Molson: Honourable senators, I have the honour to present the third report of the Special Committee on the Rules of the Senate.

The Clerk Assistant: The Special Committee on the Rules of the Senate makes its third report:

> Your committee recommends that the Standing Rules and Orders of the Senate—

Hon. Senators: Dispense.

Hon. Mr. Benidickson: Mr. Speaker, I think we should hear this report.

The Hon. the Speaker: Honourable senators, perhaps we should have the Clerk read the report.

Hon. Mr. Flynn: I think the idea was to have this report printed as part of the proceedings today.

Hon. Mr. Molson: It is my intention to move later that this be printed as an appendix to *Hansard* today and be available for honourable senators to study tomorrow and over the weekend.

REFERRED TO COMMITTEE OF THE WHOLE

The Hon. the Speaker: When shall this report be taken into consideration?

Hon. Mr. Molson: I move, seconded by Senator Lang, that the report be referred to a Committee of the Whole for consideration on Wednesday next, November 6, 1968.

Honourable senators, perhaps I should say a few words about the report.

This is the third report of the Special Committee on the Rules. It deals with only two subjects, Divorce, and the number, size and function of our committees. It is being presented by way of an interim report.

The subject of Divorce, as we are all well aware, is now dealt with by court action rather than by parliamentary action as a result of a decision already taken by Parliament.

The second subject, that of our committees, reflects the intention of the special committee to revise the whole structure of these committees, to modernize them and bring them up to date so that this vital part of the functions of the Senate may be in tune with the age in which we live. We might say it is the first fruits of a very active, diligent and interested committee that is fully seized of the importance of the task given it, to bring the Senate into the modern world.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, before I indicate the proposed adjournment I would like to give a résumé of our work for next week.

We will resume the debate on Bill S-14, an Act to amend the Aeronautics Act, and on Bill S-15, an Act to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

I anticipate that Bill C-111, an Act to amend the Farm Improvement Loans Act, and Bill C-113, an Act to amend the Prairie Grain Advance Payments Act, will be considered in committee and reported.

We shall continue the debate on Senator Croll's motion for the appointment of a Special Committee of the Senate to investigate and report upon all aspects of poverty in Canada. We may be able to proceed with Bill S-3, an Act to amend the Canada Evidence Act; and I expect that we will have Bill C-110, an Act to amend the Farm Credit Act, from the other place.

As we have just been advised by Senator Molson, the Third Report of the Special Committee on the Rules of the Senate will be considered in Committee of the Whole on Wednesday next. In addition, there are divorce resolutions on the Order Paper for consideration.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, November 5, 1968, at 3 o'clock in the afternoon.

Motion agreed to.

RULES OF THE SENATE

MOTION TO PRINT REPORT AS APPENDIX TO DEBATES OF THE SENATE AND MINUTES OF PROCEEDINGS

Hon. Hartland de M. Molson, Chairman of the Special Committee on the Rules of the Senate, moved, with leave of the Senate:

> That the third report of the Special Committee on the Rules of the Senate, presented today, be printed as an Appendix to the *Debates of the Senate* and to the *Minutes of the Proceedings of the Senate* of this day and form part of the permanent records of this House.

Motion agreed to.

(*For text of report see Appendix, pp. 413-15.*)

AERONAUTICS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Keith Laird moved the second reading of Bill S-14, to amend the Aeronautics Act.

He said: Honourable senators, this is a relatively simple bill. I would say it is a housekeeping measure, and I have no intention of going through all the mechanics of it but will tell you very briefly what it proposes to do.

In considering the bill, you might bear in mind that the Air Transport Board is now replaced by the Canadian Transport Commission, and is referred to in the bill as "the Commission".

The changes are not at all startling, unless the removal of hovercraft from the category of aircraft can be called startling. I imagine that honourable senators will not find it too startling in view of the fact that hovercraft travel at a height of approximately 18 inches. In any event, that change is proposed, and the operation of hovercraft will come under the Canada Shipping Act.

I may add that the Department of Transport advises me that the word "hovercraft" should be pronounced as if spelled with the letter "u" rather than the letter "o". I am sure all honourable senators will be glad to know that.

The second change makes easier the charging of fees, and other minor matters in connection with services and facilities. For example, if the parking fee at a particular airport is to be increased an order in council has to be passed. As all honourable senators know, this is a rather cumbersome procedure. If this amendment passes it will be possible for the Minister of Transport to propose such a change, which will be made by way of regulation and published in the *Canada Gazette*.

The next amendment gives the Minister power to prohibit the flight of civilian aircraft under certain conditions—obviously, military conditions. If there were a threat to a particular area, obviously it must be possible quickly to provide for the prohibition of the flight of civilian aircraft in that area, and therefore the Minister is given that power.

The next change merely makes it plain that the Commission—that is, the Canadian Transport Commission—has exclusive jurisdiction over Part II of the act. Honourable senators should bear in mind the fact that Part I of the Act, which is rather short, is administered by the Department of Transport, whereas Part II, which is very extensive and which deals with the licensing of aircraft, the fixing of routes, and other matters, is administered exclusively by the Canadian Transport Commission. Part III is a general portion of the Act, and has no particular body administering it.

A further change is designed to overcome a decision of the Supreme Court of Canada which held, in connection with the granting of licences, that the Air Transport Board had no power in issuing a licence to make reference in a general way to any regulation. In other words, if there are conditions attached to those licences they have to be set out exactly in the licence. In view of that decision of the Supreme Court of Canada, which is not yet reported, it is desired to make it possible for the Commission, when it issues a licence, to make reference to the provisions of the act or the regulations made under it. Section 13 is extensively amended. I would not say that it is amended in any material particular, but there are changes of language which make the whole situation much clearer.

The final amendment revives an old section which became lost in the shuffle, because the National Transportation Act repealed it. This section provides that in connection with court and other similar matters, certified documents from the department or from the Commission will be accepted as evidence.

Honourable senators, those are the proposed changes. The mechanics of how they are put into effect would require lengthy explanation. Therefore, I intend, if this bill receives second reading, to move that it be referred to the Standing Committee on Transport and Communications, where the officials from the department or I will be glad to explain how these changes are effected.

In concluding, I urge upon honourable senators to bear in mind that the words "Air Transport Board" now mean "The Canadian Transport Commission". As a matter of interest I should mention that the Commission operates through committees. The particular committee in this instance is the Air Transport Committee, which, in effect, replaces the Air Transport Board.

If any honourable senator wishes me to go into further detail of the mechanics of bringing these changes about I shall be glad to endeavour to do so, but I reiterate that it is my intention at the appropriate time to refer the bill to a committee.

On motion of Hon. Mr. Haig, debate adjourned.

FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Fred A. McGrand moved the second reading of Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

He said: Honourable senators, the purpose of this bill is to amend the Food and Drugs Act and the Narcotic Control Act, and to make a consequential amendment to the Criminal Code.

The first amendment to the Food and Drugs Act is to implement a recommendation of the Standing Committee on Health and Welfare of the House of Commons to the effect that contraceptive devices be brought under the Food and Drugs Act, and that the Criminal Code, which prohibits the sale and advertising of contraceptive devices, be amended accordingly by deleting from section 150(2)(c) the words "preventing conception or".

It was considered desirable to amend the definition of "device" so that it includes not only any instrument, apparatus or contrivance, but also any article that may not come strictly within the meaning of the present definition. For example, hearing aids and eye glasses may not strictly be within the present language of the amendment, and the intention is to broaden the definition in order to make it clear that all articles of a medical character that are devices in the healing art should be clearly included.

In accordance with the recommendation of the Standing Committee on Health and Welfare of the House of Commons, advertising to the general public of contraceptive devices should be brought under control. Clauses 2 and 3 of the bill are for this purpose, and they deal with the control of advertising through regulation. It is expected that regulations will be developed which will not interfere in any way with the advertising to the general public by responsible agencies or organizations concerned with family planning or the dissemination of birth control information. These amendments, therefore, will permit the legal sale of contraceptive devices to the general public, but will limit the advertising thereof in accordance with the proposed regulations. There are two sections in the act that presently refer to analyst certificates for use in court, and Part 4 to the Food and Drugs Act, which is also contained in the present bill, will make similar provision.

The purpose of these amendments involving certificates of analysis is to make them uniform under the act. To illustrate, an inspector will pick up a sample of an article which is subject to the Food and Drugs Act. He will then submit it to an analyst for analysis. To avoid the necessity for the analyst personally to appear in court in every instance to explain his finding, the law permits him to issue a certificate showing the results of his analysis.

Section 29 (1) and Section 35 of the Food and Drugs Act, which presently deal with certificates of analysis, will be made uniform by giving evidential value to the certificate, provided a copy has first been furnished to the accused, and with leave of the court will permit the analyst to be called for cross-examination.

A similar provision will also be made in the case of a certificate of analysis for a restricted drug. The same will also apply to the use of a certificate of analysis under the Narcotic Control Act which is also being amended by this bill. The result, therefore, of the above explained amendments will make uniform the use of certificates of analysis under the Food and Drugs Act and the

Narcotic Control Act. The effect of the amendments will, therefore, give evidential value to the certificate, subject to a copy being made available to the accused and subject to the analyst being called for cross-examination on this certificate with leave of the court.

The next amendment to the Food and Drugs Act is contained in Section 6 of the bill, the effect of which will not permit a controlled drug or a restricted drug manufactured for export to be exempted from the requirements of the act. The controlled drugs under the act are barbiturates and amphetamines, and the restricted drugs under the proposed bill are lysergic acid diethylamide, popularly known as LSD, and several other drugs known as DET, DMT and STP. I will not attempt to pronounce them in full.

Honourable senators will recall the thalidomide tragedy, and at that time the Food and Drug Act was amended to set up a schedule of drugs, the sale of which would be prohibited. The drugs so listed at that time were thalidomide and lysergic acid diethylamide, referred to as LSD.

This drug was added because it was recognized that it possessed very special dangers and its medical value was far from proven. Provision was made for the experimental evaluation of this drug in certain approved institutions and this was considered at that time to be quite sufficient to control the drug. Within the last three years or so, however, this particular drug has become popular with teenagers and a number of students, not only in Canada but elsewhere, in America and even in Europe. When the sale of the drug was prohibited there was no evidence of any such improper use.

The police have frequently encountered this drug in their enforcement activities, because it may be and often is used in conjunction with other drugs, particularly marijuana. It was therefore thought appropriate to complete the control picture by enacting special legislation which would deal not only with this drug but with other dangerous drugs, the medical value of which has still to be assessed. In order to provide the complete control which the authorities require, it is necessary to prohibit unauthorized possession, in addition to the offences of trafficking and possession for the purpose of trafficking, until there is a better understanding of the dangers of this drug on the part of users.

Since the bill was previously before the Senate three additional drugs have been added to the schedule. These drugs were included because there was evidence of their improper use and some trafficking in them. The legislation is so developed that other drugs can be added in the light of need and experience, and when a drug has been sufficiently proven to permit of other action being taken with it the schedule can be amended by its deletion. The regulations for which there is ample authority will be designed to cover legitimate research under competent and careful supervision.

It is perhaps unnecessary to say that the drugs which are presently listed are of a kind whose medical value is far from being demonstrated and it would be quite unsafe to have them available for general use. The purpose of the control measure that is before you is, therefore, to prohibit the unauthorized use, including trafficking in these drugs, but to permit legitimate scientific and medical investigation into them.

Section 7 adds the words "or other substance" to the definition of the controlled drug. This is in order that an essential chemical which may not be a drug can also be subject to control.

Section 8 deals with the offence of possession of a controlled drug for the purpose of trafficking. It amends the present section by removing a defence where the accused has acquired the drug legally but has it for the purpose of trafficking. The old section made it a defence for an accused charged with possession for the purpose of trafficking to show that he had acquired the drug legally. Experience has shown that many traffickers were able to persuade members of the medical profession to prescribe these drugs for medical reasons when the real purpose of the individual was to obtain a supply for trafficking. This amendment will eliminate that as a defence. This is contained in subsection (3) of section 8, which amends section 33 of the act.

Section 9 repeals section 35, which dealt with a certificate of analysis, and an explanation is already given of how certificates of analysis will be covered in the bill. This brings us to section 10 of the bill, which adds a new part of the Food and Drugs Act, described as Part IV, entitled "Restricted Drugs".

A weakness of the present control lies in the fact that unauthorized possession is not an offence. The purpose of the amendment is to make unauthorized possession an offence, and also to make it an offence to traffic in these drugs or to have them in possession for the purpose of trafficking. It should, however, be

pointed out that while these offences closely correspond to similar offences in the Narcotic Control Act for possession and trafficking, the penalties under this part are less severe than under the Narcotic Control Act. As LSD is not regarded as a narcotic drug, the penalties for possession or trafficking are not as severe, but they are considered to be adequate.

Section 44 adopts by reference certain provisions of the Food and Drugs Act, namely sections 36 and 37, with the necessary changes in language to make some conform to restricted drugs. A special note is required under subsection 3, which authorizes the Governor in Council to make regulations respecting possession of a restricted drug. The regulations when enacted will cover legal posssession by scientists for the purpose of approved research.

The effect of section 12 has already been dealt with in discussion of the question of analyst certificates. The purpose is to bring this into harmony with the other provisions of the Food and Drugs Act in this connection.

Section 13 makes the consequential amendment to the Criminal Code by deleting the words "preventing conception or" as contained in subsection 2 paragraph (c) of section 150 of the Criminal Code. These amendments will prevent a manufacturer from advertising a contraceptive device but will permit an organization engaged in family planning to advertise its use. It will not be necessary for an analyst to appear in court every time he has made an analysis of a sample under the Food and Drugs Act. The accused will be furnished with a copy of the analyst's certificate and, with leave of the court, the analyst may be called in cross-examination.

These amendments provide that a certain chemical not recognized as a drug may be subject to control. Under the present act, if a person is charged with possession for the purpose of trafficking he would have a complete defence by producing a medical prescription. These amendments will remove that defence and give him only the defence of establishing to the satisfaction of the court that he was not in possession of the drug for the purpose of trafficking.

Hon. Lionel Choquette: Honourable senators, I wish to adjourn the debate on behalf of honourable Senator Sullivan, but I should like to ask the sponsor of the bill (Hon. Mr. McGrand) one question.

In view of the deaths of two teenagers in the last month, one caused by glue sniffing and the other, a young girl of 16, by sniffing some liquid used for polishing nails, this matter is of an urgent nature. In the circumstances, will the bill take care of those situations under the heading that the sponsor explained, that products not recognized as drugs may be controlled by the Government?

Hon. Mr. McGrand: Substances or chemicals that are not recognized as drugs will come under this legislation.

On motion of Hon. Mr. Choquette, for Hon. Mr. Sullivan, debate adjourned.

Leave having been given to proceed to Order No. 4:

POVERTY IN CANADA

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Tuesday, October 22, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Norman A. MacKenzie: Honourable senators—

The Hon. the Speaker: Honourable senators, the honourable Senator McDonald adjourned the debate. Is it agreed that the honourable Senator MacKenzie should speak in place of the honourable Senator McDonald?

Hon. Senators: Agreed.

Hon. Mr. MacKenzie: Honourable senators, I have very little to add to what has been said already about this important problem, poverty; but there are two or three points or thoughts which have not been brought out and which I would like to present to you, they being somewhat different from the approach taken by other speakers on this matter.

I agree that poverty is one of the major problems of our society, and I wish to congratulate Senator Croll on this motion to establish a special committee of the Senate to study the question. I hope that the committee will ask and try to answer two or three basic questions.

Honourable senators, the first question is, what is poverty? How does one define it? I ask this because in my experience poverty may be a relative term and may vary from area to area, or from one part of the country

to another part of the country, or from city to the country.

Hon. Mr. Martin: And from generation to generation.

Hon. Mr. MacKenzie: And from generation to generation. As a small boy I lived in a coal mining village in Nova Scotia. My family were probably well off, compared with the miners. My father was a Presbyterian Minister, whose salary ranged between $650 and $700 a year, and there were seven children in our family. There were no amenities in that village. There were no wells because of the mines under the village, and all the water, except rain water, had to be carried by hand from springs in the woods. There were no sanitary services, no sewers, no paved streets, no telephones, no electricity, no motor cars and no hospital. The school building was deplorable, but the teachers were excellent. The housing, mainly of company houses, was primitive.

However, as I remember it, no one talked of poverty and everyone seemed to be taken care of. Some of the boys went on to distinguished careers in business, finance and education and the girls mainly to become nurses, and very good nurses and heads of hospitals, in what we called "the Boston States."

A few days ago I was talking to a relatively young man from one of the villages or towns in that same area. He told me that, as a boy some 30 years ago he pushed a cart around that small village, selling bread and cakes which his mother had made, in order to make a little money for the family, and that he would walk three miles because he did not have five cents to pay the tram fare to get to a nearby village. That man is now the general manager of one of the major banks in Canada, yet such was his background and his achievement.

Honourable senators, I suggest that poverty is a relative condition and that sometimes it is a state of mind. The amount or measure of income is not necessarily an accurate or adequate measure of poverty. The environment, the circumstances and the character of the individual must be considered, and all are relevant, and in many cases they are the determining factors.

In this connection, life in the country or in the small villages is very different from life in a big city. Climate, too, must be considered, for clothing and heated houses are not so necessary in the tropics as they are in most of Canada.

Slum conditions, overcrowding and the high cost of rent in the cities, create problems which are not present in the country, or not present in the same way. All these and many other facts and factors should be considered in any intelligent study of poverty.

Honourable senators, the second question which should be asked and answered if possible is: What causes poverty? Why are some people poor while others are well off or wealthy? In many cases the answer lies in the family circumstances, in the inherited assets, mental, physical and material, of the individual. The children of well-to-do or well-educated persons are not likely to be concerned personally with poverty; but that is not the whole story or the complete answer. As I have said, many sons and daughters of the poor, through their own efforts and the efforts of their families, have made their way in life and have achieved satisfactory careers, and sometimes wealth and distinction. Their achievements and successes are likely to depend upon their nature, their intelligence and their willingness to do hard, concentrated and frequently uninteresting work and study.

Honourable senators, I suggest that the proposed committee should give some attention to the reasons why some are wealthy and others are poverty stricken. Having considered these questions, and in view of the fact that poverty exists, and that many human beings suffer because of it, the committee must ask itself what can be done about it, and how can we eradicate poverty and provide all human beings with the long sought after goal—adequate and reasonable standards of living?

In the French Revolution the people sought, I believe, liberty and equality—"Liberté et égalité". In the American Revolution, the people sought "life, liberty and the pursuit of happiness." As Senator Fergusson told us a few days ago, modern nations have drawn up and agreed upon a Declaration of Human Rights, Article 25(1) of which contains the following statement:

> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Honourable senators, my own definition or goal is somewhat similar—adequate food, pure water, clean air, a satisfactory house, home or shelter, clothing appropriate for the climate or conditions in which the individual lives, modern health services and educational opportunities and facilities. All of these are basic for every human being everywhere. However, it is here that the difficulties and the complications really begin.

More than half of the world's population exists just above or on the subsistence level. The world's population is increasing more rapidly than its food supplies and other basic requirements as I have defined them. This is the first and almost insoluble world problem.

I suspect that while doing all we can to assist in solving the world problem of poverty, we must concern ourselves in the first instance and in the main with our own country, Canada, where we are told there is much poverty, despite our surplus of food and our great natural resources.

The solution of the problem in Canada is mainly one for the individual and for the state—federal, provincial and municipal. An easy solution, it might seem, would be a minimum annual income of, say, $3,000 per adult individual. But to whom should this go? At what age would it begin? Would those in the country get the same amount as those in the city? Who would provide this money? Would this enable large numbers of people to do nothing and, being bored, to seek undesirable escapes from boredom in drugs and in violence and other forms of anti-social behaviour? For believe me, as we have discovered to our dismay, affluence does not automatically ensure happiness. The problem we face is much more difficult and complicated than the material or physical one of "bread and circuses."

Human nature requires and demands more and different things than an adequate standard of living alone, though that is essential. And while we must strive for this, we must also realize that this is the easiest and perhaps the only answer we can give to the problem of human welfare and the good life.

Perhaps part of the answer lies in education. Certainly, a basic education is a must, but ideas and values must be added to this, and, I suspect, if it can be achieved, a scientific understanding of human nature, in all its aspects: biological, psychological, as well as physical. But we have not begun to cope with this, and because we are dealing with human nature and human beings, it is extremely difficult to solve or cope with it in scientific ways. Some scientists are claiming that by manipulating the genes, the chromosones and acid contents, or whatever it is, that sex and characteristics in human beings can be predetermined before or at the time of birth. Personally, I doubt this, perhaps because I fear it, for such power in the hands of the wrong people would be a dangerous and possibly an evil thing. But certainly this will be one line of further scientific exploration.

But the point I want to make and leave with this special committee is this: do not expect that the elimination of physical poverty will bring a new heaven and a new earth or, necessarily, even happiness. Neither will it solve the problem of who is to pay for it, or what to do about those who do not work because they are not needed.

But, having sounded these warnings or notes of caution, I want to go on and state again, and emphatically, that we must provide a decent standard of living for every Canadian citizen in the physical and material senses. And I believe we can do that. We must eliminate slums. We must ensure the opportunity to obtain a reasonable minimum income, preferably in payment for work done. We must provide in our cities, or adjacent to them, good housing at rents and costs that can be met by everyone. We must strive to provide, through parks and open spaces, necessary facilities for recreation. We must strive, through education and in other ways, to give to what we have termed loosely and without reflection upon them the "down and out", the slum dwellers, opportunities at least to improve themselves and their conditions to the point that others enjoy, so that they will no longer be at a different level or in a different class from the rest of the more fortunate of the population. In brief, we would give them the opportunity to become men and women who can stand on their own feet and can be proud of themselves and of their achievements.

On motion of Hon. Mr. McDonald, for Hon. Mr. Cameron, debate adjourned.

FARM IMPROVEMENT LOANS ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Tuesday, October 29, the adjourned debate on the motion of Hon. Mr. McDonald for the second reading of Bill C-111, to amend the Farm Improvement Loans Act.

Hon. A. Hamilton McDonald: Honourable senators—

The Hon. the Speaker: May I be permitted to remind honourable senators that if the honourable Senator McDonald speaks now it will have the effect of closing the debate. If there are other senators who wish to speak, I will give them the floor.

Hon. Edgar Fournier: Honourable senators, before the debate is closed I would like to say just a few words. My remarks will be short and to the point. Last Tuesday, while listening to the debate on Bill C-111 I heard two matters which disturbed me greatly. Let me point out at once that I think Bill C-111 is a good bill and that I support it. But the first matter that disturbed me was something that Senator Hazen Argue said, when he was blaming the Opposition for the passage of this bill in the other place. I refer to the Senate *Hansard* of October 29, page 378, where Senator Argue made the following remarks:

> Never in my experience have members representing rural Canada done such an incompetent, inconsistent and lousy job as that performed by the Opposition members with regard to Bill C-111.

Honourable senators, I object very strongly to the use of the words "lousy job". I have been in this Senate for quite a number of years, but I have never heard those words used here before. I think honourable senators will agree with me that it is accepted that such language is not used in this chamber. Certainly, we are privileged to express our opinions freely, but we do so mildly and at the senatorial level. And I might say that in expressing our opinions we seldom put blame on those in the other place.

May I draw to the attention of my honourable friend that today in Canada we have a majority Government, something for which we have hoped for a long time. But since there is a majority Government, that Government must accept full responsibility for all legislation, right or wrong. The Opposition has no such responsibility, nor can it accept any blame for legislation. The Opposition has the right to criticize, to recommend amendments and to protest, but the majority vote of the Government is the final word. The Opposition in the other place as well as in this house wishes to co-operate, I am sure, and there is ample evidence of such co-operation in this house. Now, it is a new Government and we of the Opposition are quite ready to give it a chance. Time will tell whether it deserves that chance.

The second matter that disturbed me was a reference to the Maritimes Provinces by Senator Pearson. He was wondering what was going to happen to the Maritimes in respect of this measure, Bill C-111. Again, referring to *Hansard*, this time page 381 of the same date, I quote from Senator Pearson's remarks:

> Honourable senators, to me the question is, what is going to happen to the Maritime Provinces? At the present time they have borrowed very little of these guaranteed funds, even at an interest rate of 5 per cent.

Well, the immediate answer to this is that nothing is going to happen to the Maritimes. This bill will change nothing in respect of the Maritimes. It will leave the Maritime farmers, as usual, at the mercy of a few crumps, birdseed and smoked herring. When we assess our position in the Maritimes we find that this is still another bill to assist the western farmers.

We are happy about that, and I do not criticize it at all. I am glad that the Government gave it this attention, and I will support the bill, as I have already said. For one thing, it will enable the big farmers to increase their loans from $15,000 to $25,000. But in many places in the Maritimes, especially where I live, 25 farmers grouped together could not borrow even $1,000 for farm improvement, because our farms could not justify such a heavy loan. The western wheat growers, as far as I am concerned, are not engaged in farming at all; they are engaged in a modern mechanized industry, and a very successful one at that.

Sometimes I am surprised at the lack of knowledge of our problems shown by the administrators of the federal Department of Agriculture and, indeed, by many senators. In this situation we have to be realistic and face the facts as they are. First of all, we in the Maritimes lack markets as we have no population; our transportation is too expensive and inadequate, and our farms are too small. In my own area the average farm is approximately 120 acres with about 50 per cent of that in forest which has been cut and re-cut so that what remains is of very little value.

When those farms were granted some hundreds of years ago they were large tracts of land, but as the population increased, division

and subdivision occurred in families. Originally they served the population by providing a decent living to the owners up to my generation, but today farms usually consist of subdivision over subdivision. In the past a farmer was able to cut a few logs and a few cords of pulpwood in the fall and he was the proud owner of some eight to 10 cows, a team of horses, five or six hogs, a dozen sheep, a couple of dozen hens, and sometimes a dozen children. Working five or six months of the year at manual occupations such as logging, lumber camps, driving and so on, he was able to provide a decent means of raising his family. Taxes were low, the cost of living was next to nothing, as most of the necessary food was provided by the farm, most of the clothing was made in the home, and education costs were limited to the upkeep of a small school and an underpaid teacher.

But, honourable senators, all this has changed during the last few years of so-called evolution. The small farm cannot produce the necessary revenue to meet the increased cost of living, of education, of clothing and high taxes. In my own family I have seen these changes taking place. For example, my great-grandfather had a large farm, much too large for his needs; my grandfather had a farm just the right size; my father had a garden—and I have a can opener. This illustrates how drastic are the changes taking place, with the result that eight of 10 farms in my region are now reverting to bush. Over the past 15 years over 35,000 small farms in New Brunswick have been abandoned. Our population, especially the younger generation, has moved to larger centres where some are living under conditions of extreme hardship and others are creating problems.

So, honourable senators, you will agree with me that many of the bills related to farm improvement which we have passed in the last few years have done very little for small farmers. I am not blaming anybody, but it is a sad situation which the administrators seem to have overlooked.

As a further example, honourable senators will recall that last session we passed a bill dealing with the dairy commission whereby any milk producer not producing over 420 pounds of fat or 12,000 pounds of milk would not benefit from the subvention. This bill was a serious blow to the few farmers left in my region, and is a clear example of the foresight of some of the administrators in the Department of Agriculture.

My honourable friend Senator Argue fought very hard to bring an amendment to that bill in the interest of the small farmers, and I congratulate him on his efforts. He knew what the consequences would be. However, I regret he was not successful in his attempt.

Honourable senators, I do not have the answer to this problem, and I know it is not an easy one. However, I am confident that a second, sober look at the reality of the problem could, perhaps for the time being, assist the few who are today still trying to hold on to what they now have, instead of becoming in the near future public charges.

During the last two years in my area we have heard much of ARDA. It was presented to us as the saviour of the country. Our people grabbed it as a drowning man would grasp at a straw or anything that would save his life. It received much publicity at public expense from the government in power. But so far there is nothing constructive to show for it. Meetings have been held all over the region; eloquent speakers were brought in—dreamers, most of them—not knowing what they were talking about.

In closing, honourable senators, let me say that it is not a group of strangers—a few members of the Company of Young Canadians, with long hair and whiskers living in hotel suites, eating T-bone steaks at public expense and writing reports of their findings while they are waiting for transfer to a more joyful region—who will solve the problems of the small farmer. When we hear these outsiders, they have all the answers. For a time they make us look very stupid—until we ask them some concrete questions, and then the roles are reversed.

I am confident that the people who have lived there all their lives know best what the situation is, and if their local organizations, and some of them are very active, have not arrived at a solution, I am sure that those long-haired dollies who have so little to offer will not be able to do so. Furthermore, most of them could not care less about what will happen to the small farmer. This is my answer to Senator Pearson when he asks what will the Maritimes do. I am asking myself what the small farmers in the Maritimes will do.

Hon. Mr. Rattenbury: Honourable senators, like the honourable senator across the chamber, I, too, come from New Brunswick and like him, I support the bill. However, there is

one question I would like to ask him about the hundreds of abandoned farms down there. Is it not true that most of these farms now, and particularly in his own area, are growing potatoes and have been taken up as large operations?

Hon. Mr. Fournier (Madawaska-Restigouche): I would like to answer that question by inviting my honourable friend to pay a visit to my region of Madawaska. I think he would find that the potato-growing area is between Woodstock and Grand Falls where they have large farms. But they do not produce potatoes from Grand Falls up to my region in Madawaska County. He would find that this is what would be called a distressed area. If you travel from Edmundston to my home, a distance of 36 miles, which 25 years ago was inhabited by a number of small farmers each with his own residence on his own farm, you will find that now there are possibly two in five miles. The rest are gone.

Hon. Mr. Rattenbury: Without getting into a regional discussion, across the so-called Stewart Highway are there not large farms under potatoes? It seems to me as I drive through there I see them.

Hon. Mr. Fournier (Madawaska-Restigouche): I am going back to my same answer, that the potato belt starts at Grand Falls, and if you travel between Fredericton and Woodstock you will see many farms abandoned and reverting to bush. The potato belt is quite prosperous, although at this stage I think they do need assistance because the price of potatoes is surely not what it should be.

Hon. Mr. Rattenbury: Well, at least, we have a prosperous area there under potatoes.

Hon. A. Hamilton McDonald: Honourable senators, it is not my intention to speak at any length at this time.

The Hon. the Speaker: Honourable senators, is it well understood that the remarks of Senator McDonald will have the effect of closing the debate on second reading?

Hon. Mr. McDonald: There are only three or four matters to which I wish to refer at this time, some being in answer to questions raised by those who have taken part in the debate.

However, before doing that, I wish to thank senators from all parts of Canada for giving support to the legislation that has been used, and that will probably be used in the future, chiefly by western Canadian farmers.

I would like to say to my honourable friend Senator Fournier (Madawaska-Restigouche) that despite the fact that this particular piece of legislation has not been used extensively in the Maritime Provinces, there are other agricultural programs that are being used extensively in the Maritimes. I want to assure him that as far as I am concerned, as a western representative, we are certainly in full agreement with the expenditures of money that are being made by the Department of Agriculture in his province and other Maritime provinces.

I would refer to the programs which are commonly known as ARDA, FRED and ADA. If my information is correct, there is now a program in northern New Brunswick under FRED in which some hundred million dollars will be spent in an effort to help agriculture and other industries in that area of the province. I also understand there are negotiations going on between the Government of Prince Edward Island and the Federal Government to adopt a similar program for that Island.

However, I do not want to press this any further than to say that we thank you for your support of the particular piece of legislation that is before us now, and we assure you of our support for federal Government expenditures to help agriculture in New Brunswick and the other Maritime areas.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. McDonald: The question was asked by at least two honourable senators as to whether there would be two interest rates involved because Bill C-111 in its amendments makes provision to lend money for land, with a repayment period of 15 years, and to continue to make loans for machinery, equipment repairs and maintenance, etc., with a repayment period of 10 years.

I am sure all honourable senators recognize there is a variation in interest rates, depending on the term of the loan. I have no authority to say that there will be two interest rates, but I would not be surprised if, because of different periods of repayment, there would be a variation as between loans for the purchase of land and those for the purchase of equipment, buildings or repair and maintenance.

Hon. Mr. Aseltine: How do you know?

Hon. Mr. McDonald: I do not know. I have just finished saying that, but I would not be

surprised if that happened. I am sure my honourable friend Senator Aseltine would expect to pay a different interest rate if he had a loan for 10 years than he would pay if the repayment period was 15 years. I am only saying I would not be surprised if there are two different interest rates.

Hon. Mr. Martin: There are not many things that Senator McDonald does not know!

Hon. Mr. McDonald: I would not say that too soon; I am not finished yet.

The senator also inquired as to whether a formula had been set up for the interest rate. It is most difficult to set up a formula until such time as you have had an opportunity to carry on discussions with the lending institutions.

Hon. Mr. Aseltine: One question I asked the honourable senator was whether there were any consultations with the lending institutions before this bill was presented.

Hon. Mr. McDonald: Again, I am not in a position to say yes or no, but I would be very surprised if there had been, because the first clause of the bill gives the definition of "banks", and in that definition we are now including not only chartered banks, but virtually all the lending institutions of this nation. Until such time as this bill has been passed, I do not see how anyone could negotiate the terms of interest or anything else, because until it becomes law you have no authority to negotiate with the banks, which are the only authorized lenders under the existing legislation, or with insurance companies, trust companies, caisses populaires or credit unions. I would be doubtful if conversations have taken place, although I do not know. However, I think that if I were the minister responsible for this legislation, I would be very hesitant about carrying on negotiations with lending institutions that had no legislative powers to make loans. So, again, I cannot say yes or no, but I would not be surprised if there had not been such negotiations.

Hon. Mr. Aseltine: Do you not think they should have consulted the chartered banks which have been putting up this money all along, to find out why they are not lending money now and what they think about this?

Hon. Mr. McDonald: I am sure the honourable senator recognizes that one of the reasons we have the bill before us today is because with the present 5 per cent interest rate, the banks and everyone else have refused to make loans at that rate. If we were including only banks in this legislation, and not enlarging the meaning of "bank" for the purpose of this act, then I could quite understand that there could have been some conversations and negotiations with them. But I repeat that because the definition of "bank", for the purposes of this act, is now to be so broad, I doubt very much if any conversations have taken place, although I do not know whether they have or not.

Because of this, I think it would be impossible to set up any formula that could be used to calculate interest rates this year, next year or any year in the future.

Once the bill is given third reading, receives Royal Assent and becomes the law, I have no doubt the negotiations will be finalized. It is my sincere hope that they can be finalized at as early a date as possible, to give farmers the opportunity to take advantage of the legislation to the extent they have the capability of doing so.

Hon. Mr. Aseltine: I would think the chartered banks, which have been putting up the money from the beginning, would want to know at what rate they should lend money when this bill becomes law. The Government should have inquired before this bill was introduced to find out how the banks regarded this and what kind of formula they would envisage with respect to the interest rate.

Hon. Mr. McDonald: I am not saying the departmental officials have not had conversations with the banks. In all probability they have, although I do not know. However, before you can set up a formula you must have consultation, not only with the banks. You must have consultation with the other lending institutions that are classed as banks for the purposes of this act. That is all I have to say on the second reading of this bill.

The Hon. the Speaker: Honourable senators, it is moved by the honourable Senator McDonald, seconded by the honourable Senator Beaubien (Provencher), that this bill be now read a second time. Is it your pleasure to adopt the motion?

Hon. Mr. Argue: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. The Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. McDonald: Honourable senators, with leave of the Senate, I move the third reading of this bill.

Hon. Mr. Aseltine: Honourable senators, would it not be better to refer this bill to a committee? It cannot be read the third time today, and some honourable senators may wish to ask questions of the minister.

Hon. Mr. Martin: Agreed.

Hon. Mr. McDonald: Honourable senators, I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Aseltine: The bill to amend the Prairie Grain Advance Payments Act has been referred to the Standing Committee on Banking and Commerce, and if this bill is referred to that committee then the minister will be available for questioning in respect of both bills. I point out that a bill to amend the Farm Credit Act will be coming to us presently from the House of Commons.

Hon. Mr. McDonald: Yes.

Hon. Mr. Martin: You will have a field day.

Motion agreed to.

FARM CREDIT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-110, to amend the Farm Credit Act.

Bill read first time.

Hon. A. Hamilton McDonald moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

The Senate adjourned during pleasure.

At 5.45 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Judges Act.

An Act to amend the Post Office Act.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, November 5, 1968, at 3.00 p.m.

APPENDIX

(*See p. 402.*)

RULES OF THE SENATE

THIRD REPORT OF SPECIAL COMMITTEE

Thursday, October 31st, 1968.

The Special Committee on the Rules of the Senate makes its Third Report:

Your Committee recommends that the Standing Rules and Orders of the Senate of Canada be amended as follows:

1. Standing Rules 78 to 82, both inclusive, are repealed and the following substituted therefor:

"78. (1) The Standing Committees shall be as follows:

1. The Joint Committee on the Library of Parliament to which shall be appointed seventeen senators.

2. The Joint Committee on the Printing of Parliament to which shall be appointed twenty-one senators.

3. The Joint Committee on the Restaurant of Parliament to which shall be appointed the Speaker and six other senators.

4. The Committee on Standing Rules and Orders, composed of twenty members, five of whom shall constitute a quorum.

5. The Committee on Internal Economy and Contingent Accounts, composed of twenty-five members, seven of whom shall constitute a quorum.

6. The Committee on International Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to foreign and commonwealth relations generally, including:

(i) Treaties.
(ii) External Trade.
(iii) Foreign Aid.
(iv) Defence
(v) Immigration.
(vi) Territorial and Offshore matters.

7. The Committee on National Finance, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to federal estimates generally, including:

(i) National Accounts and the Report of the Auditor General.
(ii) Government Finance.

8. The Committee on Transport and Communications, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to transport and communications generally, including:

(i) Transport and communications by land, air, water, and space, whether by radio, telephone, telegraph, wire, cable, microwave, wireless, television, satellite, broadcasting, postal communications, or any other form, method, or means of communication or transport.
(ii) Tourist traffic.
(iii) Common carriers.
(iv) Pipelines, transmission lines, and energy transmission.
(v) Navigation, shipping, and navigable waters.

9. The Committee on Legal and Constitutional Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to legal and constitutional matters generally, including:

(i) Federal-Provincial relations.
(ii) Administration of Justice, Law Reform, and all matters related thereto.
(iii) The Judiciary.
(iv) All essentially juridical matters.
(v) Private bills not otherwise specifically assigned to another committee, including marriage and divorce.

10. The Committee on Banking, Trade and Commerce, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters

relating to banking, trade, and commerce generally, including:

(i) Banking, insurance, trust and loan companies, credit societies, caisses populaires, and small loans.

(ii) Customs and Excise.

(iii) Taxation legislation.

(iv) Patents and Royalties.

(v) Corporate and Consumer Affairs.

(vi) Bankruptcy.

(vii) Natural Resources and Mines.

(viii) Labour legislation.

11. The Committee on Health, Welfare and Science, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to health, welfare, and science generally, including:

(i) Veterans Affairs.

(ii) Indian and Eskimo Affairs.

(iii) Health and Welfare.

(iv) Social and Cultural matters.

(v) Pensions.

(2) Any bill, message, petition, inquiry, paper, or other matter which does not fall within the subject matters assigned to a Standing Committee under subsection (1), shall be referred, as the Senate may decide, to any Standing Committee, Special Committee, Joint Committee, or to the Committee of the Whole.

78A. The senators occupying the recognized positions of Leader of the Government and Leader of the Opposition in the Senate shall be *ex officio* members of all Standing Committees of the Senate.

79.(1) Every Standing Committee meets, if practical, on the next sitting day after appointment and chooses a chairman.

(2) Every Special Committee meets, if practical, on the next sitting day after appointment and chooses a chairman; and one-third of the members appointed to a Special Committee shall constitute a quorum, unless otherwise ordered.

80. Senators, though not members of a Committee, may attend and participate in its deliberations but shall not vote.

81. Members of the public may attend any meeting of a Committee of the Senate, unless the Committee otherwise orders."

2. Notwithstanding the repeal hereby of Standing Rule 78, any matter that has been referred to a Standing Committee and has not been finally disposed of by that Committee at the time of such repeal shall be dealt with and disposed of by that Committee as though Standing Rule 78 had not been repealed; or shall be dealt with and disposed of in such other manner as the Senate orders.

3. Whenever in any of the said Standing Rules and Orders the Committee on Standing Orders is mentioned or referred to, there shall in each and every case be substituted the Committee on Standing Rules and Orders.

4. Standing Rules 133 to 152, both inclusive, of Part III of the said Standing Rules and Orders, and the forms subjoined thereto, are repealed.

5. Standing Rules 153 to 195, both inclusive, being Part IV of the said Standing Rules and Orders, and the forms subjoined thereto, are repealed.

6. Paragraph (ff) of Standing Rule 23 is repealed.

7. Notwithstanding the repeal hereby of paragraph (ff) of Standing Rule 23 and Standing Rules 153 to 195, both inclusive, being Part IV of the said Standing Rules and Orders, and the forms subjoined thereto, any petition for the dissolution or annulment of a marriage filed under the *Dissolution and Annulment of Marriages Act* before the coming into force of the *Divorce Act* and not finally disposed of when the last mentioned Act came into force, shall be dealt with and disposed of in accordance with the said Standing Rules and forms hereby repealed, as though those said Standing Rules and forms had not been repealed.

8. Standing Rule 110 is repealed and the following substituted therefor:

"110. Petitions for private bills shall only be received by the Senate if filed with the Clerk of the Senate within the first six weeks of the Session, and every private bill originating in the Senate shall be presented to the Senate within two weeks after the petition therefor has been favourably reported upon by the Examiner of Petitions or by the Committee on Standing Rules and Orders, and no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on Standing Rules and Orders recommending such suspension."

9. Paragraph (2) of Standing Rule 111 is repealed and the following substituted therefor:

"(2) Petitions for private bills, when received by the Senate, are to be taken into consideration by the examiner who shall report to the Senate in each case the extent to which the requirements of the standing orders regarding notice have been complied with; and in every case where the notice is reported by the examiner to have been insufficient or otherwise defective, or if he reports that there is any doubt as to the sufficiency of the notice as published, the petition, together with the report of the examiner thereon, shall be taken into consideration, without special reference, by the Committee on Standing Rules and Orders, which shall report to the Senate as to the sufficiency or insufficiency of the notice, and where the notice is deemed insufficient or otherwise defective, shall recommend to the Senate the course to be taken in consequence of such deficiency or other defect."

10. The foregoing provisions shall come into force on the day on which the Standing Committees have been reconstituted, and for the purpose of such reconstitution the Committee of Selection shall function pursuant to Rule 77 as if the present Session was now commencing.

All which is respectfully submitted,

H. de M. Molson,
Chairman.

THE SENATE

Tuesday, November 5, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Secretary of State of Canada for the fiscal year ended March 31, 1967, pursuant to section 8 of the Department of State Act, chapter 77, R.S.C., 1952. (English and French texts).

Report of Expenditures and Administration in connection with the Family Allowances Act for the fiscal year ended March 31, 1968, pursuant to section 14 of the said Act, chapter 109, R.S.C., 1952, as amended. (English and French texts).

Report on the Administration of the Fitness and Amateur Sport Act for the fiscal year ended March 31, 1968, pursuant to section 13 of the said Act, chapter 59, Statutes of Canada, 1960-61. (English and French texts).

Report of Expenditures and Administration in connection with the Old Age Security Act for the fiscal year ended March 31, 1968, pursuant to section 12 of the said Act, chapter 200, R.S.C., 1952. (English and French texts).

Report of Expenditures and Administration in connection with the Youth Allowances Act for the fiscal year ended March 31, 1968, pursuant to section 13 of the said Act, chapter 23, Statutes of Canada, 1964-65. (English and French texts).

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 349 to 388, inclusive, and moved that the said reports be taken into consideration at the next sitting of the Senate.

Motion agreed to.

OMBUDSMAN COMMITTEE

MOTION TO ESTABLISH—INQUIRY

On the Orders of the Day:

Hon. Gunnar S. Thorvaldson: Honourable senators, I have a question to ask in connection with Order No. 7, and while it might seem more appropriate to wait until that order is called, there is a likelihood it may not be reached this afternoon. Therefore, I ask my question now.

Can the house be informed as to whether it is proposed to proceed with this resolution? I have heard rumours to the effect that it may be abandoned. It has been my intention to speak on this resolution, but there would be no purpose to do so if it is to be abandoned.

Hon. Mr. Croll: May I say that the suggestion that this resolution may be abandoned comes as a great shock and surprise to me. I intend that the resolution which I placed before this house, should proceed and I hope that in due course it will be adopted.

Hon. Mr. Martin: The situation is that the resolution is before the Senate, that Senator Croll has spoken to it, and that the debate has been adjourned. On behalf of the Government, I may say that this matter is now being examined.

Hon. Mr. Thorvaldson: The debate on the resolution has stood adjourned for about a month, and that is the reason for my inquiry.

Hon. Mr. Flynn: When the Leader of the Government says that the matter is being examined, has he in mind the declaration made by the Prime Minister some days ago, to the effect that he was not considering bringing in legislation on this question?

Hon. Mr. Martin: I am certainly thinking of Government policy.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Thursday, October 31, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Arthur W. Roebuck: Honourable senators, in the absence of Senator Cameron, may I proceed with what I intend to say on the subject of poverty, as expressed in the resolution that stands before the Senate?

The Hon. the Speaker: Honourable senators, is it agreed that the honourable Senator Roebuck may proceed instead of the honourable Senator Cameron?

Hon. Senators: Agreed.

Hon. Mr. Roebuck: Senator Cameron, of course, will speak later.

Honourable senators, I should like to commence, if I do not offend anybody in doing so, by making a reference to my deskmate who is, in my opinion, a great humanitarian. I suggest that he has made for himself a place in the history of Canada by placing on the Order Paper of this house a motion that calls attention to poverty, and asks for the appointment of a committee to investigate all aspects of poverty in Canada, and to define and elucidate the problem of poverty and—note the point—to recommend remedial measures. If Senator Croll's proposed committee makes the investigation suggested in his motion, and really brings forward solutions to the tremendous problems that face us in this regard, he will justify a position in the history of Canada.

Hon. Mr. Choquette: Hear, hear. He has already done that, and you have also.

Hon. Mr. Roebuck: Yes, he has already a position in our history books. But he will occupy a greater position if this house tackles this problem and recommends—because we can do no more than that at the moment—remedial measures.

The motion is sufficiently comprehensive to enable the committee to enumerate the causes of poverty in the midst of plenty. I repeat the words used by several honourable senators who have preceded me—poverty in the midst of plenty. Poverty in the midst of plenty is the enigma of our age. It is the problem most pressing for solution, or, to use more classical language, it is the riddle of the sphinx, which not to answer it is to be destroyed.

We can look back in history and understand that the civilization of Rome passed away not because of the attacks of its enemies—that was only the climax—but because the resources of Italy fell under the monopolization of the great landowners. The sturdy yeomen of the past who formed the legions of Rome passed away. They became the unemployed of the great cities, corrupted by bread and circuses, and the lands of Rome—in the words of Gibbon's *Decline and Fall of the Roman Empire*—became cultivated by gangs of slaves.

The barbarians who attacked Rome after this economic situation had developed in Rome have their counterparts today in the huns and vandals who are disrupting conditions in the cities to the south. So far we have escaped these troubles, but Canadian youth is in revolt against the lack of opportunities it faces upon graduation, against the massive unemployment in our country, and against poverty in the midst of plenty.

Now, I want to read again the clause that seems to have initiated our present thought. I read from the Fifth Annual Review of the Economic Council of Canada at page 103:

> Poverty in Canada is real. Its numbers are not in the thousands, but the millions. There is more of it than our society can tolerate, more than our economy can afford, and far more than existing measures and efforts can cope with. Its persistence, at a time when the bulk of Canadians enjoy one of the highest standards of living in the world, is a disgrace.

I know that this passage has been quoted before in this debate, but I would like it to head the record of what I have to say today.

Senator Croll said that we have not yet come up with the answer to what should be done about insufficiency of earnings. He speaks of our low-paid, full-time workers. The Economic Council has stated that at least one in every five has suffered from poverty—this does not seem to be a wild exaggeration. I am not going into the statistics; to the extent that they are available, they are set out in the Economic Council's report which you have received and, I hope, have read.

You have heard a number of very well prepared and moving addresses by honourable senators who have preceded me. They have impressed upon us the seriousness of the poverty question in our country. They have spoken of defects and insufficiencies in our welfare system, but, honourable senators will note that not one of them, including the Economic Council, even attempted to discuss the causes of the poverty which they deplore. Not one of them said a word about the causes of poverty, except, perhaps on not getting enough by way of a handout; and not one even mentioned a possible solution of the problem.

I think the Economic Council comes closest to the point when it says, at page 132:

> Well conceived anti-poverty policies will have many elements in common with policies to foster regional and area development and to accelerate national economic growth.

That is to say, the anti-poverty problems are in fact the development problems of our country. I agree with that proposition. They do.

Senator Carter, in his most excellent address, said:

> Probably the main reason for our poverty in Canada is because our programs are designed to treat the symptoms of poverty and not deal with the real root causes of poverty.

Senator Carter, I agree with you. Certainly, the cause of poverty is not any lack of sympathy for the poor, or those who are deprived, on our part or indeed on the part of those people responsible in our legislatures, both provincial and federal. Nor is it to be blamed on a lack of generosity, with which we have been engaged in charitable spending.

Senator Carter has done us a valuable service. He has added together the various amounts which the Government of Canada is devoting to direct relief, and he finds that the federal jurisdiction alone is spending $3 billion annually on welfare programs—a very large sum.

I compliment Senator Cook on his statement that the committee must find answers which will not impoverish the taxpayer.

Senator Croll says:

> The present provisions for assuring a minimum income to maintain standards of living, through public assistance and other selected programs, are a hodgepodge of gaps, inadequacies and inequalities.

He favours a negative income arrangement, that is, a guaranteed income—I think that is what he means. In my judgment, a guaranteed income would indeed be the last word in national charity. I do not say that it is the answer, but certainly it seems to me to be a vast improvement on the hodgepodge to which Senator Croll refers.

Senator Fergusson, in a very well prepared address, has observed—and I mention it because I think it is necessary to my thesis—that we will always have a small minority of those who cannot support themselves, such as the chronically ill, the permanently disabled and the one-parent families with small children. I should like to add to that the mentally defective, the blind, the widow and her children and others.

These are the poor whom we always have with us, but in a society such as I can envisage that would be scarcely any problem at all. With our means of production, our factories and our lands, if properly and fully employed, the provision of food, clothing and housing for people who cannot provide for themselves would present no problem. We could do all things appropriate to their comfort without the slightest inconvenience.

It is the unemployed and the low-paid worker who present the real problem in this connection. To quote Senator Carter, we are spending $3 billion annually on welfare problems, and the poverty problem still remains undiminished.

The Canadian Welfare Council has just released a report based on a national survey of Canada documenting the failure of our welfare handouts to end deprivation for thousands of our families in a society of plenty. The report shows that these poor families who are in receipt of welfare spend 47 per cent of their modest income on shelter—that is on rent. I shall read from the report of the Toronto *Daily Star* of Monday, October 21, 1968. The big heading reads:

> Welfare a failure—400,000 children live in squalor.

The newspaper quotes the report and then goes on to say:

> The first major study of the housing conditions of welfare recipients in Canada indicates as many as 400,000 children live in shoddy, depressing and disease-ridden homes and lack even basic toilet facilities.
>
> In a preliminary report released today the Canadian Welfare Council documents the failure of welfare handouts to end deprivation for thousands of families—in the midst of a society of plenty.

Further down in the column it is said:

> For many of its inhabitants, it is a shoddy world, hard on children, undermining family life, debilitating socially and physically degrading for its inhabitants.

And still further down it is said:

> The percentage of income spent on shelter by all households was 47 per cent.

May I at this point make several general observations? First, in my opinion the welfare plans of the municipalities and the provincial governments have been reasonably generous and commendable, though not beyond improvement. Second, the federal contributions to these poor people have been very great and very generous. Third, the large sums of taxpayers' money involved in welfare projects have been, on the whole, well and honestly spent, though they are not

by any means complete. Fourth, the huge expenditures have not prevented substandard housing, malnutrition or the extensive privation endured by thousands of our fellow citizens. Fifth, I point out that Canada has been free from the riots and violence that have terrorized and disgraced the cities to our south, but this might not have been the case had it not been for the expenditures of the large sums of money to which I have referred.

Now, Senator Croll proposed a guaranteed income which, though costly, would displace many of our halfway measures.

Hon. Mr. Thorvaldson: May I ask a question, honourable senators? The honourable senator referred a while ago to the report of the National Welfare Council to the effect that the cost of shelter was 47 per cent of the income of large numbers of people. That is a shockingly high percentage of income to go for shelter. I would like to know what is included in that cost of shelter.

Hon. Mr. Roebuck: The Welfare Council makes it abundantly clear that it is just rent. But that is not a general figure. It is an average for those people on welfare. It is not the rate for rent of all people in Canada.

Hon. Mr. Thorvaldson: My point was whether it was the rent alone, and you say that it is.

Hon. Mr. Roebuck: I believe that is indeed what is meant. The rent alone comes to 47 per cent of income. The income is very small, as you will realize, and it leaves little for the families' welfare.

Hon. Mr. Thorvaldson: That was my point.

Hon. Mr. Roebuck: Yes.

Now, supposing we doubled or even quadrupled our welfare generosity. Is there any likelihood that it would abolish poverty? Would it be, on the other hand, absorbed by increased rents, reflected in still higher land values and still greater difficulty in finding housing?

Handouts by the state may mitigate temporarily the misery of poverty but, generally, the tendency is merely to enable those whom we would like to assist and benefit to pay still more in cruel rents, to be followed by an increase in land values and still greater difficulty in obtaining housing, and the possibility of the ordinary citizen owning his own house being still further removed.

Hon. Norman A. MacKenzie: Honourable senators, I apologize for interrupting Senator Roebuck in this very interesting and appropriate speech, but I have to leave immediately to attend the Senate Committee on Science Policy. Before leaving I would like to call the attention of the honourable senators to a group of young men from British Columbia, students at St. George's School, who are in our visitors' gallery. They are here with one of their masters, the Reverend Mr. Robertson, and the wives of two members of the staff of that school. I am sure we are all delighted to have them with us this afternoon. They have come a long way to see something of the Parliament of Canada.

This morning His Honour the Speaker was good enough to welcome them in his chambers and to answer a great many interesting and intelligent questions which were asked. In this he was ably assisted by the Gentleman Usher of the Black Rod.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: Honourable senators, I thank Senator MacKenzie for the interruption. I had not noticed that I had an audience of young people. I have long thought that the young people who are paying attention to the economic problems of Canada will exercise more intelligence in seeking solutions than we older people have. I have great faith in the generation that is now coming into control of this great country.

Hon. Mr. Flynn: It was the wish of our fathers.

Hon. Mr. Roebuck: Honourable senators, I was saying that handouts by the state might mitigate temporarily the misery of poverty, but experience has shown that money handed to the poor results in higher rents, frequently higher land values and still greater difficulties for the ordinary man to own his own home.

Honourable senators, there must be some better way of preventing unemployment and protecting the worker, particularly the low-paid worker, than simply handing out large sums of money in larger and ever larger amounts as poverty develops and the monopoly of our natural resources consolidates.

Let me turn to something a bit more happy. We have one senator who sits among our numbers who, I am sure, will not object to my using him as an example. Senator Burchill could tell us of a better method of dealing with poverty than just handouts. He has been

engaged in a big way in banishing poverty in his home province. Despite difficulties of which there were many, he has organized a plant to transform the forests of New Brunswick into plywood. His operations have employed some 200 men who of course have families, and as a consequence they are taxpayers rather than tax spenders. For them he has solved the problem of poverty.

I apologize for using the Senator's activities to illustrate what I intend to say. Senator Burchill has brought the natural resources of his province into productive use. That is an effective way to abolish poverty. He has reached or at least touched the cause of poverty.

Canada has unlimited natural resources from coast to coast, and if you will inquire into it you will find that for the most part they are half used or completely unused and are awaiting development. But are they available for developing? Are they available at a price which leaves a profit to the developer?

When the Economic Council said that poverty in Canada is a disgrace, it really meant that the under-use or misuse of our natural resources is a disgrace. If you will allow me I will go further and say that the Economic Council implied that our system of taxation in Canada which encourages the nonuse of our natural resources and discourages and penalizes their use and development is a disgrace.

Let me give some obvious examples. I can give only a few, but each senator here has his own experiences.

If you inquire you will find around our great cities very large sections of idle land. These are our natural resources, made valuable by the community and the desire of people to own homes. For as long as I can remember—and that is a long time now—you could buy a serviced building lot in the City of Toronto for about $1,000. That situation applied until recent years. Today to obtain space for a house, a family must travel two or three miles into the country, and then face a price, according to a recent survey, of $11,000 for a single lot. The ordinary man is unable to pay such a price. However, should he inquire into the circumstances, he will find that lands held at these excessively large prices are grossly under-assessed in relation to the asking price. This applies as long as they lie idle, but as soon as they are used and built upon they are overburdened with taxes.

All Canada is suffering from a shortage of housing, and housing locations are unlimited in this country. The building industry is a potent factor in the matter of employment. Were land not undertaxed it could not long be withheld from use by excessive prices. Were the idle land forced into use, the building industry would take over; the construction workers would be employed; the labourers and suppliers would be employed in very large numbers, and for them the problem of poverty would be solved. Poverty would disappear with the housing shortage and without draining the revenues of the municipalities or the provinces.

We are spending huge sums of money on what we call urban renewal, the rebuilding of slum areas and the replacement of shacks unfit for human habitation. If these slum areas were properly assessed—they are grossly underassessed and undertaxed—the slums would naturally and rapidly disappear. With the promotion of employment, the number of tenants available for dilapidated housing would also disappear. There are numerous other examples, honourable senators, of which each one of you will have knowledge.

I lived in Northern Ontario some 50 years ago when there were vast areas of potential mining lands open for staking. I saw the prospectors—and it was a picturesque army in those days—strike off into the woods with a prospector's hammer in their hands and a pack on their backs looking for signs of metal, gold, silver, copper and so forth. Where are they today? They are gone with the wind. There is no such army today. The holdings are staked and square miles of our mineral lands are lying idle, taxed at what rate—at $2 per 40-acre claim. That has been the rate in the past and I think it is the rate in Ontario today. That is 5 cents per acre for a possible mining location. Multiply by ten that amount and a principality of mining lands would be thrown open for development.

It is not the shortage of natural resources that makes our people poor, but rather the misuse or under-use of the riches that nature has placed at our disposal.

I put to you the proposition, honourable senators, that you could travel from Halifax to Vancouver and I venture to predict that you would not find a natural resource capable of development which is not held for more than its value in use.

Senator Burchill, the businessman, remarked to me recently that our resources must be available. Of course, they must.

You may answer that what I have said lies within municipal or provincial jurisdiction and, perhaps, in part, it does. But Senator

Croll's resolution raises this whole question of poverty and its causes. The truth, honourable senators, has no jurisdictional limitations. Were the earth and its riches open to industry, there would be no poverty other than the kind I have described, that of the widow and her children, and so on. There would be no poverty, no enforced and unwilling unemployment such as we suffer from at present.

New Zealand levies a national land tax, a tax upon the value of all land in the country. It is not quite scientifically arranged, but it is effective.

The City of Sydney, Australia—a metropolis as big as the City of Toronto—raises its whole revenue by the taxation of land values. I have stood in the City of Sydney and have admired its development. There is no wasteland surrounding that city, and there is no serious unemployment in either Australia or New Zealand. In this I speak from personal knowledge.

So this is the challenge, honourable senators. This is the challenge to Senator Croll's prospective committee: Why are Canada's abundant natural resources undeveloped to the extent that thousands of citizens are unemployed and hundreds of thousands of them are living in poverty?

We want the truth about this matter. There are personal interests involved, but we in this senior legislative chamber want the truth about poverty. I am not satisfied with handing out more and yet more money. Where has it gone? Well, it has gone in two ways: first, there is the erosion of the value of money. Money is not as valuable now, per dollar, as it was and apparently it is still decreasing in value. So, first, there is the erosion of money. But much more important is the steady increase in the rents that these poor people must pay; and, with the increase in rents is the advance in land values. We must attack this problem realistically and propose such measures as may effect a remedy.

I have some clippings from which I would like to read. The first is one from the Toronto *Globe and Mail* of February 3, 1967. It is headed:

> New houses average $29,666, up $5,866 in year,...

The article reads in part:

> New houses for sale in Metropolitan Toronto have an average price of $29,666, compared with $23,800 a year ago and $21,914 in January, 1965.

These are the figures supplied by the Toronto Real Estate Board, and they show a steady advance in the price of houses, making it less and less possible for the ordinary man to own his own home.

A little further on the article states:

> The house-price survey this week showed only 1.7 per cent of the houses at $16,000 or below, compared with 9 per cent a year ago and 12 per cent two years ago.

That is to say, houses of a lower price are disappearing.

> ...land accounted for about one-third of the house prices quoted...a house priced at $24,000 probably would represent $8,000 for the land...

Eight thousand dollars for a piece of land that until recently was agricultural land and which is made valuable, not by the owner but by the activities and expenditures of the particular municipality.

I now quote from an article in the *Globe and Mail* of Tuesday, April 4, 1967, a statement by June Marks. She is a Controller of the City of Toronto, and is very lively. She says:

> ... if 8,000 to 10,000 serviced vacant lots in the three outer municipalities were developed it would ease the housing shortage "like taking the lid off a pressure cooker."

Of course, it would.

We are spending thousands of dollars of public money to get houses built while we allow the land speculators about our great cities to charge $8,000 for sufficient ground on which to build a house.

The article continues:

> Controller Marks said a report presented to Metro Council indicated there are up to 10,000 serviced lots—the majority in Scarborough—that had not been built on.

In closing, I would like to quote the Mayor of the City of Toronto, Mayor Dennison. He says:

> I would like to have this city grow in such a way that we do not have great wasteland areas on the perimeter of the city...so that there isn't a 6- or 7-mile wasteland around the perimeter of the Metro area. ...a speculator buys land hoping to make a fast buck out of it and he lets it grow weeds or he cuts it.

...good land is wasted for a great number of years.

That is only one illustration of the waste of our natural resources due to a foolish system of taxation which jumps on us with both feet when we do anything good that serves the community, and which allows the monopolist to leave his resources lying idle, sometimes for years. Therein lies the answer to the problem of poverty: the development of our natural resources and the increased activity we can bring about by a reasonable system of taxation.

Hon. A. Hamilton McDonald: Honourable senators, it was not my intention to take part in this debate, but while my honourable colleague Senator Roebuck was speaking this afternoon several thoughts came to my mind which I should like to place on the record.

I agree with Senator Roebuck when he says that the development of our resources could provide employment for a goodly number of people who today are either seriously underemployed or living off direct relief at the municipal, provincial, or federal level. But there are great dangers in the over-development of a resource. I have in mind a situation in my own province that typifies this very fact, namely, the rapid development of the potash industry which has been due in many cases to both federal and provincial subsidies. We find ourselves now in a position of having an over-supply of potash, and a product that normally sells on the world markets at $27 a ton is today bringing approximately $12 a ton.

It seems to me that this is a great waste of a resource in Saskatchewan which really belongs to all Canada. If under normal conditions this commodity is worth $27 a ton, then surely it is a crime to sell it—the product of a depletable resource of Canada—around the world at $12 a ton.

So I say to honourable senators, there are dangers in the over-production of any resource.

Of course, over-production generally comes about not because of a well-thought out plan of industry, but because governments interfere in the normal expansion and growth of industry by itself.

Hon. Mr. Thorvaldson: May I ask the honourable gentleman a question?

Hon. Mr. McDonald: Yes.

Hon. Mr. Thorvaldson: My honourable friend said that the world price of potash is now about $12 a ton. I should like to ask him if he would give us the cost of production at this time.

Hon. Mr. McDonald: I think I would be hard put to give you a precise answer as to the cost of production of potash.

Hon. Mr. Thorvaldson: Can you estimate the cost in Saskatchewan?

Hon. Mr. McDonald: No, I could not do that. There are widely differing opinions among the producers of potash in Saskatchewan as to the cost of production. However, it seems to me that if under normal conditions of supply, world markets will pay $27 per ton for potash, and if we are selling it today at around $12, then this is a great resource that is being given away, and for which the people of Canada are not receiving the full benefit. This is the point I seek to make.

I believe that part of the responsibility for over-expansion must be placed on the shoulders of the federal and provincial governments. They have brought about this condition.

The pulp industry is another example. The pulp markets have been depressed over the last many months, and it seems to me that one of the reasons is over-supply. Again, the major cause of over-supply is the result of policies pursued by the federal and provincial governments in an attempt to attract the industry into the provinces when the markets of the world are saturated.

Hon. Mr. Thorvaldson: Adam Smith may not agree with you.

Hon. Mr. McDonald: No, he may not agree with me, but—

Hon. Mr. Croll: He is dead.

Hon. Mr. McDonald: In my own province we have a pulp mill that has recently gone into production. That mill has received large subsidies from federal and provincial governments. Fortunately, we have a market for our product today, but this market has been brought into existence by strikes in other pulp plants across the nation. If all the Canadian pulp plants were to go ahead at full capacity we would have so much pulp that we would almost have to give it away, in the same way as we are almost giving away potash today.

So, it seems to me that we have to do more than follow the suggestion of Senator Roebuck. We have to find and develop better markets for the products of our resource industries.

To come back to potash for a moment, I should like to point out that if the areas of the world which are in the greatest need of potash had the ability to pay for it we could then put every mill in Saskatchewan into high gear. But, this has not been the case. A resource, for which there is no market in the world today, is being depleted.

Some Government projects, in my opinion, have been misdirected. Just a year ago I had the opportunity of introducing a Government bill in this house to provide for increasing the amount of money that may be spent under ARDA. If my memory serves me correctly, I said at that time that I did not care how much money it took to do the things that ARDA wanted to do in Canada in co-operation with the provinces, provided something was done for the people who needed help. I am still of that belief. Any money that is spent to create employment and cut down relief is money well spent, but we must always be aware of the danger of over-production. Some of the moneys, both federal and provincial, that have been spent on ARDA programs have not accomplished the intention of the governments when the legislation was introduced.

In this connection I should like to refer to my own province, because I know it better than any other. For a short time, as honourable senators know, I served as the Minister of Agriculture for Saskatchewan. I was sold on the idea of buying submarginal land, putting it into community pasture, and making both summer pasture and hay available to our small farmers so that they could increase their herds of cattle and thus, improve their net return. But, what happened? We provided the pastures with federal and provincial money, but forgot to provide the little farmer, who needed help, with the money with which he could buy another cow. The end result has been that the farmer who did not need any help, and who had 200 or 300 cows, now has 400 or 500, and the farmer who had eight or nine cows is now out of business altogether. The people we were seeking to help were actually harmed, and would have been better off had we done nothing.

I am not saying that this has harmed the economy of the country—it certainly has not. There is a need in this country for an increased production of red meats, and any policy that will bring that about is beneficial to the nation. But, it was not the intention of ARDA programs to increase red meat production. The main purpose was to help the little farmer, and this has not been accomplished. I want to repeat that the people who did not need help, got it, and ones who needed help desperately have received nothing.

Many Canadians seem to be of the opinion that you can draw a line based upon income. Many refer to the level of $3,000, and say that anyone with an income of less than that figure lives in poverty. Personally, I think that is utter nonsense. I know many Canadians who live in Saskatchewan whose gross annual income is less than $3,000, and yet they are living happily and quite well. On the other hand, there are people living in other parts of Canada, and in other parts of Saskatchewan, with incomes of almost double $3,000 who have financial problems.

All one need do is walk five or six blocks from these buildings, here in our capital city, to find people living in poverty on incomes I am sure of much in excess of $3,000. You can go to some of the farms in the prairie region where the gross annual income of a farmer is less than $3,000, and find that some of the people are living well. They are the people that programs such as ARDA were designed to help, but I say to you this has not been the result.

I think all our expansion programs, as several senators have already mentioned, with regard to relief, to help the under-employed and the under-privileged, should be reviewed. I do not believe that any one of them is working to its full capacity to accomplish the job that it was intended to do. Therefore, I give my support to this resolution.

I was at one time in the construction business and know a bit about housing—probably not much because times have changed—and I believe that one of the great problems with housing is created by governments. There are many regulations still in existence that were outdated 50 years ago, and they are increasing the cost of our housing by as much as 25 per cent.

We have a situation in Ottawa where the City Council, according to what I read in the press, would like to see some high-rise development in the downtown area of the city. The problem was referred to the Ontario Municipal Board, but apparently it has been delayed. I do not know whether we should

have high-rise buildings in Ottawa, or, if so, to what height they should be allowed, but surely we should be in a position today either to proceed with programs or to drop them.

This country is a hundred years old. Surely now we should not have to delay the expenditure of private money. Many hundreds of people in this city would be employed if they were allowed to proceed with these building projects. I am reminded of Expo and the great lessons that it was attempting to teach the world on how to rebuild the dying and rotting cores of our cities. This was not just for Canada, but throughout the world. They showed an example through their efforts in Habitat. This pointed up one of the great problems in the cost of housing today. Suburbia is not the answer. How far can a city the size of Toronto, Montreal or even Ottawa spread? It seems to me that we have to rebuild the dying cores of our cities, and to have a larger percentage of our total city population live downtown rather than move further out of town.

Another reason that urban land costs are so high is that every time you move a mile out of town you build another mile of sewer, water line, road, and sidewalk—at unbelievably high costs. The further out you move the more expensive it becomes. So I suggest to you that the regulations, regardless of what level of government is responsible for them, ought to be reviewed and updated and made applicable in 1969-70, not in 1928-29. If we are to do this I think it will be found that private industry itself will be prepared to put far more money into not only housing but business construction as well.

I hope that this committee will review all the matters that have been suggested by honourable senators on both sides of the house. If we do that, surely to goodness in a country such as ours, a country with 20 million people, that is now 100 years old, a country that is probably the most wealthy in natural resources of any in the world, why should we have poverty?

Hon. Mr. Roebuck: Yes! Why?

Hon. Mr. McDonald: One of the reasons is our educational system. We find, or at least I do, that the vast majority of those who are living in poverty are either under-educated or have no education at all. We are spending millions of dollars on education at every level of government but we do not seem to be able to solve this problem of so many of our people being either under-trained or having no training at all. I hope this matter also will be taken under consideration by this committee.

Before resuming my seat I want to repeat that I am one of those who believe that if we give private industry the opportunity and the initiative it can cure a lot of the problems that today the people are looking to government to cure. In many instances we have strangled private enterprise through taxation, regulations, and the outmoded laws of our country. I hope these matters will be reviewed by the committee, because it seems to me that where there is a demand for a product on world markets or home markets, private industry can in most cases meet that demand.

I reiterate that the housing and poverty problems with which we find ourselves confronted today have been in part brought about by governments at all three levels. Therefore, I hope we will loosen the reins and let those who are willing and would like to develop our resources, do so at a price that we as a nation can afford and that our customers can afford. By doing that we will have gone a long way towards solving much of the poverty problem, not only of our own country but probably of some countries who import from us as well.

Hon. Mr. Paterson: May I ask the honourable senator a question? What are we to do with the over-production of wheat? You will have farmers in poverty if they cannot sell it.

Hon. Mr. McDonald: If I knew the answer to that I would be one of the wisest men in Canada.

Hon. Mr. Hayden: And the wealthiest.

Hon. Mr. McDonald: And probably the wealthiest. There is only one remark I would make about the over-supply of wheat. It seems to me that with the changed methods of milling and baking, probably the day is no longer with us when we can continue to sell Canadian wheat simply as No. 1 Northern, No. 2 Northern, No. 3 Northern, No. 4 Northern, or whatever grade you make it, and which your customers never look at.

Because of the improved methods of milling and baking today most areas of the world can produce a bread which is very satisfactory to their people from wheat that is not of these high grades. We have made some

progress in increasing our production of hard wheats in Canada, and undoubtedly we will make further progress in the future. We cannot sell wheat for any less than it is being sold today or the farm economy would be flat on its back, but scientists who have conducted research into the production of wheat have convinced me that we can produce soft wheats which would give a yield of, not 30 or 40 bushels an acre, but maybe 130 or 140 bushels an acre. It may be therefore that we shall have to take another look at whether we can continue to produce a variety or a class of hard spring wheat, for which there seems to be a shrinking market. Perhaps we shall have to take a better look at some of the proposals which scientists are making for the production of a lower quality wheat, but in more abundance, which we can sell cheaper and consequently to more people.

I do not know whether this is the answer, but many people in whom I have some confidence are making these suggestions. I recognize that we are in trouble with our present methods and I therefore think they should be reviewed to see what can be done.

Hon. Mr. Thorvaldson: May I ask a supplementary question on wheat? The honourable senator speaks of producing lower grade wheat. Is the cost per bushel of producing lower grade wheat any less than the cost per bushel of producing No. 1 Northern?

Hon. Mr. McDonald: Yes. The cost of producing 130 bushels per acre of lower grade wheat is less than the cost of producing 30 bushels per acre of high grade wheat.

On motion of Hon. Mr. Croll, for Hon. Mr. Cameron, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 305 to 329, inclusive, which were presented on Wednesday, October 30.

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 305, for the relief of Gordon Gallagher.

Resolution 306, for the relief of Yves Desjardins.

Resolution 307, for the relief of Margaret Brown Barrie Denyar.

Resolution 308, for the relief of Marie Jeanne Claire Ste Marie Hurtubise.

Resolution 309, for the relief of Catherine Irene Flanagan Ottier.

Resolution 310, for the relief of Marie Achilli Cipolla.

Resolution 311, for the relief of Adorina (Dorina) Muriel Lapierre Brown.

Resolution 312, for the relief of Andrew Dorden.

Resolution 313, for the relief of Colette Goulet Lafleur.

Resolution 314, for the relief of Eleanor Ann Burnett Smith.

Resolution 315, for the relief of Marie Andree Marguerite Alice Beaudry Feldman.

Resolution 316, for the relief of Lloyd Gordon Pennell.

Resolution 317, for the relief of Pauline Perreault La Fleche.

Resolution 318, for the relief of Cecile Lapierre Ladouceur.

Resolution 319, for the relief of Maurice Saint-Onge Hebert.

Resolution 320, for the relief of John Linton Ronald Armstrong.

Resolution 321, for the relief of Ann Shirley Albert Weinstein, otherwise known as Ann Shirley Albert Waine.

Resolution 322, for the relief of Nora de Jong Zegel.

Resolution 323, for the relief of Lola Jean Kelly Saunders.

Resolution 324, for the relief of Lois Jean MacNeill Bridger.

Resolution 325, for the relief of Vladimir Getcha.

Resolution 326, for the relief of Micheline Maria Galmiche (Gahniche) Scheibl.

Resolution 327, for the relief of Guy Charles Louis Jules Borremans.

Resolution 328, for the relief of Jacqueline Denis Petit.

Resolution 329, for the relief of Beverley Anne Lewery Weston.

Resolutions adopted, on division.

BUSINESS OF THE SENATE

Hon. Mr. McDonald: Honourable senators, Order No. 1 respecting the Aeronautics Act, and Order No. 5 to amend the Farm Credit Act, have been ordered to stand because the

arrival from Winnipeg of the honourable Senators Haig and Everett, who were to speak on these motions, has been delayed. In those circumstances it would seem appropriate that the house should now adjourn. It is my understanding that there is some special activity in the country to the south of us today and many honourable senators have expressed a desire to view television this evening in connection with that event.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, November 6, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

PROPERTY QUALIFICATIONS OF SENATORS

SUPPLEMENTARY RETURN PRESENTED

The Hon. the Speaker: Honourable senators, in accordance with the motion of this honourable house of October 29, 1968, I have the honour to table herewith a supplementary list of names of members of the Senate who have renewed their declaration of property.

DOCUMENT TABLED

Hon. Paul Martin tabled:

Amended Report of the Agricultural Stabilization Board for the fiscal year ended March 31, 1968.

FARM IMPROVEMENT LOANS ACT PRAIRIE GRAIN ADVANCE PAYMENTS ACT

AUTHORITY TO PRINT

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill C-111, to amend the Farm Improvement Loans Act, and Bill C-113, to amend the Prairie Grain Advance Payments Act:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-111, to amend the Farm Improvement Loans Act, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. A. Hamilton McDonald moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-113, to amend the Prairie Grain Advance Payments Act, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Herbert O. Sparrow moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

NATIONAL DEFENCE

REPORT RE DEATH OF PARACHUTISTS AT PETAWAWA—REPLY TO INQUIRY POSTPONED

Hon. Paul Martin: Honourable senators, before the Orders of the Day are called I wish to say that I am ready to reply to the inquiry by Senator White concerning the accident at Petawawa. However, in view of the fact that he is away attending a conference and is therefore on official business, I think I should await his return. I merely wanted to indicate that I was ready to proceed.

Hon. Senators: Agreed.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT CONSIDERED IN COMMITTEE OF THE WHOLE—

The Hon. the Speaker: Honourable senators, pursuant to the order of your honourable house, I leave the Chair. The honourable Senator Macnaughton, P.C. will please take the chair of the committee.

Hon. Arthur W. Roebuck: Mr. Speaker, would you not give us a little more information than just a bare order of that kind? This means that we are going into Committee of the Whole on these rules, does it not? I have

seen this document that has been distributed for not more than five minutes.

Hon. Mr. Haig: It was printed as an appendix to Debates of Thursday, October 31.

Hon. Mr. Roebuck: I do not always read the appendix. This is not the usual way we proceed. I have on occasion moved the Senate into Committee of the Whole—a long time ago, I will admit. This report was brought to my attention just a few minutes ago. In the past, the chairman of the committee who takes the responsibility of reporting on behalf of the committee has usually explained his report, and after that has been considered we have ordered the house into Committee of the Whole, where there is more freedom of discussion. Of course, in this house we are not as strict perhaps as in the other place or the United Kingdom.

If I may express my own thoughts in this matter, I would think that the chairman of this special committee should make a statement as to what has been done. I see that several of the rules are to be repealed and other rules substituted therefor. I would like to hear a general statement from the chairman as to what the committee has been doing and why, and then any replies may be made. Then we can move into Committee of the Whole for particular discussion. I think that is the proper way to proceed.

The Hon. the Speaker: Honourable senators, I intervene at this point to remind the honourable senators that a motion was carried on October 31 regarding the study of the report of the Special Committee on the Rules of the Senate by the Committee of the Whole. I do not have the motion at hand now, but I think it appears in the *Minutes of the Proceedings* at page 301.

Without going into all the details, I think the request of honourable Senator Roebuck is reasonable, that the chairman of the committee make a statement. Of course if any honourable senators wish to express their views at this time I would be happy to hear them before the chairman makes his statement.

Hon. Mr. McDonald: Honourable senators, I am under the impression that if we are allowed to proceed as His Honour has suggested, and that we move into the Committee of the Whole to discuss this report, the chairman of the committee will at an early point make such a statement as honourable Senator Roebuck has requested. It seems to me that when the Chairman of the Committee of the Whole takes the chair he will call item 1, and I would hope that he would then request the Chairman of the Rules Committee to give a general explanation of this report before proceeding further. Therefore, I believe that Senator Roebuck's request can be met through the procedures which have been suggested by Your Honour.

The Hon. the Speaker: Before the Chairman of the Rules Committee is invited to make a statement, may I read from page 301 of the *Minutes of the Proceedings*, as follows:

> The Honourable Senator Molson, from the Special Committee of the Senate on the Rules of the Senate, presented the Third Report of the aforementioned Special Committee.
>
> The Honourable Senator Molson moved, seconded by the Honourable Senator Lang, that the Report be referred to a Committee of the Whole for consideration on Wednesday next, 6th November, 1968.

Would honourable Senator Molson care to make a statement at this time?

Hon. Mr. Croll: Mr. Speaker and honourable senators—

Hon. Mr. Aseltine: We must first appoint a chairman of the Committee of the Whole.

Hon. Mr. Croll: On page 401 of the *Debates of the Senate* I read:

> Hon. Mr. Molson: I move, seconded by Senator Lang, that the report be referred to a Committee of the Whole for consideration on Wednesday next, November 6, 1968.

I too missed this item. It is the second time in my experience here that that sort of motion has been placed before the members of the Senate. The usual motion is that a report be considered. I have not seen the Senate go into Committee of the Whole—except during the Pipe Line debate—and notice was given. I missed this too, and it was brought to my attention this morning.

I see no objection to proceeding in this way, but when such a motion is made the chairman of the committee should make a statement, not later but now, telling us exactly why the report is being presented in the present form. Then we could move into Committee of the Whole.

The Hon. the Speaker: Honourable senators I have said this before—and I think I shall have to repeat it often—honourable senators are masters of their own rules. I am faced with a motion which has been adopted in the course of our proceedings, calling for a Committee of the Whole to consider this report today. This is all I have to say now. Perhaps the honourable Leader of the Government would like to speak?

Hon. Mr. Martin: Honourable senators, we are all anxious to proceed efficiently and in compliance with the rules. At the same time, we would like to meet the wishes of all honourable senators, and in this instance to meet the request by Senator Roebuck.

A motion for reference to Committee of the Whole was duly passed by this house. Therefore, it seems to me that our course in accordance with that motion is to go into Committee of the Whole. I understand that the chairman of the committee intends to make a statement along the lines specifically mentioned by Senator Roebuck. I have such respect for the senior member of this house that I would hope that this arrangement would be regarded by him as in full compliance with his wishes.

Hon. Mr. Roebuck: Honourable senators, Rule No. 74 was really what was in my mind in making the objection. Rule 74 says:

> No arguments are admitted against the principle of a Bill in a Committee of the Whole.

I suppose that refers also to the report of a committee. When we are in Committee of the Whole we are not on the principle of the bill; we are on the detail.

I am perfectly satisfied to take any course that Your Honour approves, on the understanding that we shall have a report from the chairman of the committee and others who wish to speak to the principle of the matter in a general way. Later, when we are in Committee of the Whole, we can take it up section by section, *ad seriatim*.

Hon. Mr. Martin: Honourable senators, may I by way of correction say that when I referred to Senator Roebuck as the senior senator, it was really a reference to him in terms of age—as being the youngest member of the house.

Hon. Senators: Hear, hear.

Hon. Mr. Martin: I believe Senator Aseltine enjoys seniority in this chamber, and I hope I did not offend the very enviable status which he has in this house.

Pursuant to an order of the day, the Senate went into committee to consider the third report from the Special Committee on Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

Report read by the Clerk Assistant:

> The Special Committee on the Rules of the Senate makes its Third Report:
>
> Your Committee recommends that the Standing Rules and Orders of the Senate of Canada be amended as follows:
>
> 1. Standing Rules 78 to 82, both inclusive, are repealed and the following substituted therefor:

Hon. Mr. Roebuck: Dispense.

The Chairman: Honourable senators, in directing your attention to paragraph 1 of the report, may I make a suggestion which I hope will meet with your unanimous approval, namely, that the chairman of the committee make an opening statement so that honourable senators will be able to appreciate the value of the report in due course.

Hon. Senators: Agreed.

Hon. Hartland de M. Molson: Mr. Chairman, may I say at the outset that I am sorry we should have found ourselves in any misunderstanding with regard to our procedure. This is one case where my own education is somewhat lacking. I have not been admitted to the Bar and, frankly, I had no knowledge of this procedure and no part in it. But I hope that by making a statement on the generalities of the report at this stage, that I will satisfy our respected colleague Senator Roebuck and also the other members of the house.

On Thursday last in this chamber I made a brief allusion to the subject matter of the report, which I shall now explain a little more fully. In this way what I say may suggest questions to honourable senators which will enable all of us to come to an understanding of what is proposed in the report and the reasons for it.

First, I should explain why at this stage we are dealing only with certain sections of the rules. We are well aware that our task is to examine all of the rules of the Senate, and this we had commenced doing in the normal way by beginning at the beginning. But in the course of conversation, the Government Leader asked me what we were doing, and I

informed him in general terms that we proposed to make a number of recommendations regarding committees. He asked me if that part of the report dealing with committees would await the presentation of the final report. At that moment I thought this would be so, but going back to the committee I brought this subject up and the committee was very favourable to dealing with the rules governing committees right away for what seemed like a useful purpose. If the committees were to be changed, and if the house supported the recommendations which we made, then those committees should be reformed immediately and get on with the tasks allotted to them, rather than waiting until the Special Committee on the Rules presents its final report.

For that reason we took section 78, which deals with committees, first and we went on from there. That action is what has given rise to this interim report, called the Third Report, dealing with the committees and the matter of Divorce.

If you will turn to your copy of the report you will see that paragraph 1 sets forth the committees which are now recommended to replace the 19 presently listed in our book of rules. You will note that the total number is reduced to eleven. The first three, numbered 1, 2 and 3, are joint committees which now exist. Your committee considered the necessity for these committees, but was satisfied that as the House of Commons continues its participation, it naturally required that the Senate should appoint its representatives also.

Nos. 4 and 5 are committees which deal with internal matters of the Senate. They have been described as housekeeping committees. No. 4 has had the name changed by the addition of the word "Rules", and its composition increased to a membership of 20, with a quorum of five. It is now listed as the Committee on Standing Rules and Orders, whereas previously it was called the Committee on Standing Orders.

No. 5, the Committee on Internal Economy and Contingent Accounts, is unchanged. Then we come to the six main committees of the Senate numbered 6 to 11, inclusive.

Hon. Mr. Hollett: May I ask a question? The senator said No. 5 was unchanged, but I notice that the number for the committee was 50 senators and here we have 25.

Hon. Mr. Molson: I am sorry. I called attention to the numbers on the report which you have in your hand. Twenty-five is the number in No. 5 in the rule book.

Hon. Mr. Hollett: You said it was unchanged.

Hon. Mr. Croll: It is 25 in the rule book and it is 25 here.

Hon. Mr. Molson: The Committee on Internal Economy had 25 members as it existed, and that is unchanged. The quorum was seven, and that is unchanged.

Then, honourable senators, as I have said, we come to the six main committees of the Senate, numbered 6 to 11, inclusive. These are recommended to replace the balance of the committees now existing. Your committee is unanimously of the opinion that the committee work of the Senate is without doubt the most useful contribution which the Senate makes to the legislative process. I doubt if there is any senator who has not been told by an outsider who attended one of our committee meetings how impressed he was with the thoroughness and competence demonstrated and how well its performance stands up in comparison with any other body. We suggest a new approach to these committees in that certain specific matters or subjects will, by rule, be referred to them for consideration, with the expectation that as a result the matters most commonly dealt with will be referred without question to one of these six.

Your committee is fully aware of a very long list of subjects which have not been allocated. We are of the opinion that these should be left to be referred to the committee considered appropriate by the Senate, depending upon the nature or form of the matter being referred. This is covered in subparagraph 2 at the top of page 3 of the report.

Rule 78A is unchanged.

Rule 79 is changed only in that one-third of the members would constitute a quorum instead of the words now used "a majority of the members".

Rule No. 80 has been repealed. That rule states:

> 80. Senators speak uncovered, but may remain seated.

A new Rule 80 has been suggested in its stead.

Hon. Mr. Roebuck: Do we not have to wear our hats any more?

Hon. Mr. Molson: You don't have to, senator.

Hon. Mr. Roebuck: But can we?

Hon. Mr. Molson: Yes. The new Rule 80 which has been suggested invites senators who are not members to attend committee meetings. This will replace the old Rule 81 which was anything but an invitation to non-members to attend and, having left it at that stage, made it rather less desirable to attend by adding the words, "They sit behind those who are of the committee." That seemed rather unnecessary.

A new rule 81 replaces the previous Rule 82. It states that the public may attend committee meetings, whereas previously the public was excluded under Rule 82. This no longer seemed appropriate to your committee.

Paragraph 2 provides for existing committees to complete the consideration of any matter now before them. This seemed necessary so that there would not be any hiatus between the completion of the work of old committees and the beginning of the work of newly constituted ones.

Paragraph 3 merely ensures that the term "Standing Rules and Orders" takes the place of the older term "Standing Orders".

In paragraphs 4 and 5 we have the recommendation of the committee that all the rules covering the subject of petitions for divorce or annulments shall now be repealed. This is because Parliament in its wisdom has decided that divorces and annulments of marriage should, in future, be dealt with in the courts, including those from the provinces of Quebec and Newfoundland.

Paragraph 6, which refers to divorce, is a consequential amendment.

Paragraph 7 is necessary in order that any petition for divorce or annulment now before the Divorce Committee can be carried to completion under the existing rules.

Your committee is well aware that nothing should suggest that Parliament is no longer prepared to receive petitions for any purpose, including divorce and annulment. Consequently, provision is made for such matters to be dealt with by the new Committee on Legal and Constitutional Affairs. Being fully conscious of the valuable and effective work carried on in the past by the Divorce Committee, it is hoped that the Committee on Legal and Constitutional Affairs will be so composed and organized that it will be capable of dealing with matters of divorce and annulment in the same way as has pertained in the past, in the event that any such petition is received.

Paragraphs 8 and 9 merely insert the word "Rules" in the Committee on Standing Rules and Orders, and eliminate "Divorce" where that word occurs.

I think, Mr. Chairman, that that gives a general rundown on the changes proposed by the committee, and I, along with the other members of the committee, would be pleased to answer any questions addressed to us.

Hon. Salter A. Hayden: Honourable senators, I would like to make a few general comments before we get into a paragraph-by-paragraph consideration of this report.

However, before doing that I would highly commend the ability and the industry this committee has displayed in the way in which it has tackled the job assigned to it, its steady and intelligent application to the task, and the intelligent consideration apparent in the report we now have before us. I am sure we can all look forward to later reports dealing with other portions of our rules, in the knowledge that they will be equally commendable.

Having said that, I have some general observations to make in relation to where in the scheme of things these rules fit into the conduct of the proceedings of the Senate.

My concept of rules in the Senate, or rules anywhere, is that they are designed and are intended to provide orderly procedures for the consideration and for the dispatch of the work that comes before the Senate. Under the rules as they exist now, before any changes are made, there has been full scope for debate. There has been no limitation on debate, in the sense that members are prevented from discussing, in an orderly presentation under our rules, all matters that come before us.

We have additional procedures, one of which I followed today by giving notice that on a certain date I proposed to call the attention of the Senate to certain matters. Under this procedure any matter of public importance, or any issue which in the opinion of the Senate is worthy of consideration, may be brought forward.

We also have procedures—and we have some instances of them before us now, such as the motion put on the Order Paper by Senator Croll—in relation to some matter of importance, which may lead to the formation of a special committee or the use of a standing committee for full consideration of the issues, the calling of evidence, the assessment of the situation and its importance to the way of life of the people of Canada, and to recommendations, if any, which the committee may

make to the Senate as to how it should deal with such subject matter. I cite that example to show that within the scope of the rules as they now exist, there is ample opportunity for debate.

As far as my concept of the rules is concerned, I never thought they were designed to promote debate. I thought the rules were designed for orderly procedures in relation to the debate on any issue. Therefore, when we change these rules, one should not expect that the new rules will promote more or greater debate than can now take place under existing rules.

The amount of debate depends on the quality of the subject before us; and the duration of debate, and the duration of a succession of debates, will depend upon the amount of work that is before us. That work may also take on the character of legislation initiated in the Senate, or it may take on the character of work in the form of bills which have already been considered in the Commons and which come to us in the Senate.

I was a little concerned when I read a report in the Toronto *Star* yesterday about a speech the Leader of the Government (Hon. Mr. Martin) made the other day to the Rotary Club in Kitchener. I am not sure whether he was misquoted or not, but, if I may paraphrase, I think the effect of it was that the Senate is now engaged in the revision of its rules, which revision is intended to lead, or may lead, to elaboration of debate.

I hold no such view with respect to the rules. Under the present rules there are no limitations. Under the existing rules, and within the guidelines laid down, debate may freely proceed, subject only to the intelligence of the senators as to when the subject has been well debated. There is no necessity for repetition in the presentation of argument.

In saying that I am not reflecting on what may go on anywhere else, because the concept of the function of the Senate, in my book, is entirely different from the concept of the function of the House of Commons. The House of Commons is still struggling with the question of consumption of time, and how it should regulate its debates. This is at the opposite end of the piece, because the House of Commons is seeking to find ways of limiting the scope and time of debate.

Some years ago the House of Commons established a limitation in time on individual speeches. Now they are working and struggling towards establishing a factor as to the length of time that should be devoted to a particular subject matter. Fortunately for us in the Senate, and in the approaches we make to all the questions that come before us, we have not run into the situation where there is such verbosity that we have to consider rules in terms of limiting debate.

On the other hand, I think the debate which has proceeded has been intelligent and concentrated, and it has dealt with all the principal phases of the legislation. Therefore, we need no spurs to make us take more time just for the sake of taking time in respect of matters that come before us.

Having said that, I want to proceed to another suggestion that has been made and discussed, namely, that the Senate in addition to considering legislation, both initiated here and coming from the Commons, should assume unto itself powers to generate debate, and perhaps substantial debate, on public questions. I have pointed out that all the authority is available now to do that. But if this is a phase that requires to be stated and set out in the form of guidelines or rules relating to the type of subject matter which may come into the Senate, then I think it would have been wise—and perhaps it is not too late now—to enlarge the scope of the authority that was given to this committee so that it could study this question of the area of discussion and introduction of subject matter of public importance and public issues, such as we presently carry out under the forms and methods I have described. Perhaps it would be wise to have some clearer definition of how this shall proceed, and the extent in those areas to which the Senate should inject itself. Should these things be considered?

The reason I say that is because I have been concerned from time to time when there have arisen questions such as, for instance, whether we should have more discussion in the Senate on foreign policy. In principle one would subscribe to that. It is an important part of the national life of Canada. But, I have then looked at this situation—and I think this committee might do good work if it looked at it—that if we decide to study what should be, in our opinion, the foreign policy of Canada in relation to some other country and issues that have arisen there, and what our position and attitude should be, and we refer that to a committee, the committee then makes an exhaustive study and calls witnesses et cetera, and formulates a report. In those circumstances the thing that worries me is that at the stage of the formulation of the substance of a report the committee may

have moved ahead of what is Government policy at that moment.

I am wondering as to the extent to which we should go in the consideration of such questions, having regard to the layout of government in Canada. Is it such that we should or can afford to move as a committee of one house that far into a subject matter where the conclusion might leave us in an area where we are differing from, or are ahead of or behind, the immediate Government policy on that issue. I have mentioned foreign policy, but no doubt there are other issues in respect of which for various reasons—and undoubtedly justifiable reasons—Government policy has not proceeded that far.

Are we to reach out, and to that extent take the leadership, and invite that conflict of thought? I have my own views on it, but I think this is a subject matter which might well have been referred to, and be considered at some stage by this committee before we go too far on some of these issues.

After the last war a committee of the Senate dealt with and reviewed fully the income tax legislation at that time. It studied the matter for two or three years, and even went so far as to prepare a draft bill. This bill was accepted as the basis of subsequent legislation on this field.

Hon. Mr. Thorvaldson: That was a special committee appointed for that purpose, was it not?

Hon. Mr. Hayden: That was a special committee appointed by the Senate for that purpose, yes.

As I go down the years from that time I can recall a motion which Senator Croll introduced in this house with respect to the appointment of a special committee to study disclosure of finance charges. He and I in the course of debates in the Senate expressed differing points of view on that. This was a matter of public issue, and it got to the stage of where the Government moved ahead in its thinking; the subject was referred to a joint committee, and its deliberations led to a report which was open to acceptance or adoption by both the Senate and the House of Commons.

In those circumstances I do not see the same possibility of conflict as there is in respect of reports and recommendations of the Senate acting on its own, and reports and recommendations of the House of Commons acting on its own. We must keep in mind at all times that the Government is responsible for government policy, and while we may try to influence it or query it, being the senior house, whether we should publicly and without their co-operation move ahead in all the fields is open to question. There may be some fields in respect of which this is a perfectly reasonable thing to do.

So, this is a suggestion that I make generally for the consideration of the Senate, that the scope of the authority of the committee should be enlarged so as to permit it to examine this area in order to see how far it is feasible for us to go.

I mention foreign policy particularly because this is a subject matter which is dear to the heart of the Leader of the Government in the Senate. Indeed, in his speech in Kitchener the other day, as the newspapers report it, he did refer to the question of foreign policy, and how important it was that discussion of foreign policy should take place in Parliament rather than in panels on television. I agree heartily with that, but I would think that the initiation of that over the years should have taken place in the House of Commons. To some extent the Senate has functioned in studying various aspects of foreign policy, but I think mainly in order to obtain an understanding of what the situation is and what our foreign policy is in relation to it.

At the present time under the existing rules there is nothing which would prevent us in the Senate, by way of a motion, or notice calling the attention of the Senate to certain conditions in relation to foreign policy, setting up a committee to inquire into foreign policy. These rules, when they are changed, will not change that position in any particular. There will still be the same scope of authority on what we may cover and the time we may spend on it. My own feeling is that if we can intelligently and thoroughly accomplish consideration of a subject-matter in three days, we should not take six days. The test of the quality of our work is not the length of time we take to do it; the test remains the intelligence that we bring to bear and the analysis we make. Slow moving in those circumstances should not be extolled as a virtue.

Those are my general observations. I have read the recommendations in the report and I am in agreement with them.

Hon. Arthur W. Roebuck: Honourable senators, it is a little unfortunate for me that I became actively engaged in the study of this report only 25 or 30 minutes ago. No doubt

that was my fault. I did not realize the report had been made, and I fancy from what I have heard that others are in the same position. I therefore hope that we will not conclude consideration of this matter today, and that I may have a little time to study the effect of some of the proposals. On the other hand, I wish to commend the chairman and the members of this Special Committee on the Rules of the Senate, as Senator Hayden has done, for the very careful work they have performed and for what they have accomplished.

In the short time that I have been able to look over the report, I have noticed several things with a great deal of pleasure. One is that in future the committees will have the same right and privilege as the Standing Committee on Divorce has had through all the years, that of choosing its own chairmen. In the past the administration has named the chairmen, and in a general committee of all the house, the members have usually approved whatever was suggested to them. I think the result has not always been the very best. I am sure that more active chairmen would have been selected over the years had the committees themselves chosen their chairmen without any influence from outside. As I read this report, that will now be the case.

My special interest, of course, is in the rules applying to divorce. I see from the report that it is proposed to repeal rules 133 to 195. Honourable senators, under all the circumstances, I do hope you will give me a little time to study what is being lost in the repeal of all these rules, although perhaps it is all right.

I thank the chairman of this special committee for his courtesy in calling upon me and telling me what the committee was doing, although he did not give me a copy of the report they were intending to make. He told me that it was not the will of the committee to keep constituted the Standing Committee on Divorce, and I agreed with him in that, although he realized, as we all do, that the doors of Parliament must always be open for a petition of any kind, including a divorce petition, and that we must be in a position to deal with it.

The chairman of the special committee told me about the proposed legal committee, which seems to me to be a wise move. I said to him, as I say to you now, that I am quite satisfied to have possible applications for a bill of divorce, which may be lodged in the future, referred to a legal committee, but I would ask that all members who have served over all these years on the Standing Committee on Divorce be members of that legal committee. It would not, of course, be put in the rules, but I think it should be understood among us that since divorces are to be referred to the legal committee, the members now constituting the Standing Committee on Divorce shall be members of that legal committee.

There are several reasons for that. One is that the present members of the Standing Committee on Divorce have had a long training in this regard. All of them are thoroughly familiar with the practice, rules and law on this matter. The second reason is that during these years in which we have been engaged in an important task such as has been ours, we have developed a certain esprit de corps. We have become the closest of friends as a result of the many sessions we have held together, the many problems we have met and the many solutions we have proposed. It is natural that we should wish to stay together.

I should very much like to have an opportunity to discuss the effect of these rules with the whole Standing Committee on Divorce. I think we are entitled to a meeting at which we can consider what this means to us personally, to the standing committee which will disappear, and to the Senate itself.

I hope we will not conclude consideration of this matter this afternoon. I should like a couple of days to study the question, and there is no great rush over this report. I would not delay unless it were for some purpose. I should like to call the Standing Committee on Divorce together to discuss what is being proposed with regard to the duties we have so long discharged.

It would seem that the subject-matter of the rules has been well considered by this special committee. They are now doing with our rules what Parliament did with the laws of divorce, which are now repealed. The new Divorce Act specified that all those petitions which were lodged with the Senate prior to the coming into effect of the new act should be dealt with by the Senate as though the new act had not been passed, so that to the extent of those applications, the old act and its rules and practice remained in effect.

It is under that regulation that we are now hearing a very large number of cases which we hope to conclude by Christmas. The proposed rules fall within that category. They

provide that those matters now under consideration shall be dealt with according to the rules as they were rather than under the new rules, so that I foresee no difficulty. We will be able to conclude this work efficiently and satisfactorily under the report. However, I have not had the opportunity to give a detailed study to the report which I think its importance justifies. Do not forget, honourable senators, that I have been engaged in other matters. I made a major address to you only yesterday. I would not have done so if I had known this was to be studied. So I hope you will give me that consideration before closing this debate.

Hon. Paul Martin: Honourable senators, I would like to make a few general observations. I assume at this stage of our proceedings we will confine ourselves to general statements, and that the opportunity for detailed examination of the report will be available to us after general statements have been made.

It may be that when we do come to this detailed examination we would want to give consideration as to whether we should proceed with a paragraph-by-paragraph consideration or an enumerated consideration. I think it might be more valuable, even though it would mean a longer discussion, to deal with each clause through the various subclauses. However, that is something which I am prepared to leave in the hands of the Chairman, with his great experience as a presiding officer over the affairs of one of the Houses of Parliament.

I want to associate myself at once with the tribute paid to the Special Committee on the Rules of the Senate by Senators Hayden and Roebuck. I should like to pay a special tribute to the chairman, for I know he has dedicated himself to the work of the committee in an admirable way. I had not known Senator Molson too well before, but I know the name quite well. I must say that I have been greatly impressed by the way in which he has presided over the deliberations of the committee, and the knowledge that he and his colleagues have brought to bear on the very important work we assigned them.

I think we all recognize that this is an important discussion. As Senator Hayden has said, rules are made to provide for the orderly work of our deliberations. While we have a residuary right to meet any situation unanimously, that is, without relying on a particular rule, nevertheless for orderly debate it is essential in a deliberative assembly that there be agreed upon rules. It is these rules that we are considering today.

It is not that we argue that the rules of the past did not serve their purpose. I was rather impressed with what Senator Molson said on October 31, that the purpose underlying the work of the committee is to endeavour to bring our procedures as close as possible to the exigencies of the modern day. I agree that the committee work of this house is most important. This was underlined by Senator Molson in his introductory remarks. We know from the work of the Committee on Science Policy, under Senator Lamontagne, how true this is. I wish to say to Senator Lamontagne that I am grateful to him, if I may express the view of an individual senator, and to those of his colleagues in the Committee on Science Policy, in that they adjourned their session this afternoon in order to be present and participate in this afternoon's debate. I understand the Committee on Science Policy will sit tonight.

It may be that the committee will wish to give consideration to a problem which arises out of the fact that the Committee on Science Policy does sit simultaneously with the sessions of this house, this power having been given to it by honourable senators. It seems to me that this creates a problem. It is a problem which is not new and with which most honourable senators are more familiar than I. I believe that the general debates in this chamber have a great importance. The widest participation in our debates is desirable. This is not always possible if attendance elsewhere is necessary because of the requirement to fulfil one's obligation in a committee. There have been some valuable debates in the short time I have been here. Some took place when committees were meeting in our Senate committee rooms.

It is not that we fail to recognize the importance of committee work. Indeed, when I had the honour of first speaking in this house, I thought that an improvement in our activities—if that is a correct characterization—could come by a greater emphasis in the area of scrutiny and inquiry. I say that with a full appreciation of what our legislative responsibilities are—and we do have a legislative responsibility, of reviewing work which comes to us from the other house, or to initiate bills ourselves.

I note with satisfaction that in the first measure we dealt with in this house, the legislation in regard to the publication of statutes, notwithstanding the discussion which

the Senate itself had given to the measure last year, and the consideration which had been given to it by the law officiers of the Crown, the committee which dealt with that measure found it desirable to make two amendments. These were readily accepted by the Minister of Justice and by members in the other place.

Senator Hayden said he did not believe that rules should promote more debate. I think it all depends on how one interprets what I am sure was intended and likely is a prudent observation. I would prefer to examine this aspect of the problem in another way. We do not want to have unnecessary debate. I am one who believes in the value of debate.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Martin: I believe in wide discussion. I will give the house an example of what I have in mind. The senator from Rigaud (Hon. Mr. Lazarus Phillips) introduced a bill providing for certain amendments to an act relating to the Supreme Court of Canada. This was an important bill. I am sure, from my own experience that, had it not been for the intervention of Senator Roebuck, the particular debate would have been limited. The bill would certainly have been exhaustively dealt with in the committee to which it was referred. However, it seemed to me that whether one agreed with the position taken by Senator Roebuck—and I may say that I told him frankly that I did not agree with his main thesis—all would agree that there was value in the debate which took place.

The Supreme Court of Canada is one of our important institutions. A wide debate on the principle of those amendments, prior to the bill being considered in committee, was not, in my judgment, a waste of the time of this house.

These are matters which are examined in committee to make sure that the drafting is correct, that nothing is left out of a bill which should be included. If we share the view that discussion in a free society is valuable, then it is worthwhile promoting debate prior to referring these bills to committees. I interpret Senator Hayden's remarks as not being in disagreement with this view. I took the occasion, because of what he said, to emphasize my own view, not as the Government Leader but as a senator, that our general debates can enhance considerably the position which this Senate occupies and the position which it maintains in the view of the Canadian people at the present time.

There is much misunderstanding of the Senate. It is a more useful body than many people say. I believe that good general debate on important matters cannot but enhance our position and the public reaction to our deliberations. That is why I value the very discussion we are having now.

Hon. Mr. Choquette: We are not having any discussion at all. We are here to look at this, clause by clause; and if we go on, we will have a dissertation which will last until six o'clock.

Hon. Mr. Martin: The senator says that we may have a debate which will last until six o'clock—but that is the very thing I am urging that we should do.

Hon. Mr. Choquette: Then, let us go ahead.

Hon. Mr. Martin: I should say to Senator Hayden that I have not seen the report to which he referred. I will look at it. It is not the first time I have had to face reports which did not represent what I said. I will look at the report. What I had in mind was that at the present time there were general debates taking place in the country, between the news media and the public, on vital matters of foreign policy; that the time of Government in the other place was being taxed severely because of the need to implement its programs, sometimes in the face of archaic procedures. There should be a dialogue on international problems, between Parliament and the Government and the Canadian people, and this should be done through Parliament.

It is not a question of being ahead of the executive in a particular area of policy. Certainly, as a member of the Government in this Senate I would not want, whatever may be the views of senators acting independently, this Senate to act contrary to Government policy. That is my responsibility as Leader of the Government. But I should think that each senator would consider it his duty to bring his point of view to bear on matters of concern. It is not so much a matter of formulating policy that I had in mind. The External Affairs Committee under Senator Thorvaldson did not necessarily formulate policy, but in the committee hearings held on external aid it did provide for the elucidation of what the Government was doing in that field. It gave others the opportunity to say what they thought should be done. This was educative and valuable, and that is the purpose, it seems to me, of committees.

In the Committee on Foreign Policy that will be set up under the recommendations of

this committee, I hope that we will seek not so much to make policy. That is essentially an executive act under our system of Government. It is the Government that makes foreign policy. It is Parliament that can reject that policy or accept it. But I do believe that, if we are going to have a better understanding of some of the problems involved in this field of foreign relations, committees of this house as well as of the other house can serve a useful purpose. This was emphasized the other day in a speech made by Senator Grosart, when he reviewed what he conceived to be the position of Canada in relation to the Caribbean countries.

I wish to congratulate the committee and its chairman. I am sure that it would be the wish of all of us that those who have constituted the Divorce Committee should, if possible, find themselves as members of the committee. I cannot conceive of the new committee on legal and constitutional affairs omitting from its membership so distinguished a lawyer as Senator Roebuck, a former Attorney General.

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Martin: It would seem to me that this is something so axiomatic that I need not have emphasized it.

Honourable senators, as an individual senator I am looking forward to the discussion on these rules. They are part of the process of our seeking to improve our functional position. This is the nature of an act from within the Senate. I am sure that, as Senator O'Leary (Carleton) said, what we do ourselves may possibly be the most effective contribution to improvement of our procedures and in the work that we do.

This does not mean that the Senate has not performed well. It has. I outlined this when I first spoke. I pointed to the estimate of the Senate's work by Professor Kunz. We all agree that there is room for improvement. The purpose of the committee recommendations is to enable us to improve our work, to make it more valuable and lasting.

The Chairman: Honourable Senator Hays.

Hon. Harry Hays: Mr. Chairman and honourable senators, it is not often that I have much to say in this house; nor did I speak much in the other house. But it was my privilege to sit for two and a half years in the other place, and I have sat for the same length of time in this house. Sometimes—in fact most times—I have become very frustrated with the way we operate. It was true of the other place and it is also true here.

I have listened with great interest to what Senator Hayden had to say, and to Senator Roebuck and to the Leader of the Government. I commend and congratulate Senator Molson on his chairing of this committee. I think we are fortunate to have had a businessman do this, and not a politician. He has got down to cases and has cut the number of committees down. He has done an excellent job.

I think this house should be used more for committees and less for debate. I do not agree with the Leader of the Government. I think it is time we started putting words into action. Sometimes we have too much scrutiny and inquiry, and not enough action.

Some Hon. Senators: Hear, hear.

Hon. Mr. Hays: There is a lot of debate in the other place too. We have 20 million people in Canada—one-tenth the population of the United States. I have often thought that if the United States were to operate the way Canada does, they would be 10 years behind each year.

I would just like to leave a story with you that might illustrate why this house should spend more time in committees and less time in this chamber, assuming that the committees did a thorough job. Actually, we are threshing old straw. We have already done a pretty good job on legislation in the other house.

In 1942, when the Low Countries were overrun by the enemy, they were supplying Great Britain with 600 million pounds of bacon, and it became Canada's job to do this, and do it in a hurry. At that time I was president of the organization charged with that responsibility. With us was a chap who had been one of the deputy ministers in the federal Government. I well remember something that he said to me—in fact, I will never forget it. I was quite a young man at the time. He said, "Now, you are going out there, kid—" He called me kid—"and there is something I want you to remember. You go out and give them hell. But, if you have nothing to say, don't cover it up with a lot of words."

Hon. Maurice Lamontagne: Honourable senators, I wanted to deal with the future responsibility of this house with respect to committees, but I realize that Senator Hays has covered with very few words what I intended to say. However, I would draw your

attention to a more specific problem in relation to this report. I understand that this is the stage at which we should have a general debate, but if I make my specific points now, it might prevent delaying our future deliberations when we come to consider the report item by item.

I want to speak more specifically about section 1, item 11, concerning the Committee on Health, Welfare and Science. I am of the strong view that we should have a special standing committee on science policy. Since the Special Committee on Science Policy has started its sittings, we have had unanimous representations from various agencies and organizations telling us that they were delighted that the Senate was interested at last in science policy and that they hoped this would not be a one-stage operation but would continue. Indeed, it should be a continuing operation because science policy will inevitably be a strategic factor in the over-all, long-term development of this country.

Moreover, as some honourable senators are already aware, our country is now spending over $800 million annually on research and development. So that science, even in terms of expenditure, is becoming a more and more important area of spending in Canada. We have already heard representations that this amount should be doubled in the next five years so as to reach a round figure of approximately $1,500 million. This is one reason why we should have a continuing investigation in this field.

As I said, we have received representations from various agencies, including an appeal this morning from the chairman of the Science Council who came before us and pleaded that our special committee should become a standing committee.

As we go on with our inquiry we are discovering gradually that there is a gap in Canada in terms of the formulation of science policy. This does not exist in other countries because they have already provided a public forum, and some link between the public servants involved in science policy and their parliaments. We do not have that here. I would hope that in the future we would certainly have this kind of public forum, and it should be located in the Senate. In this way we may be able over the years to develop an expertise because in science policy we are dealing with a very complex and increasingly difficult aspect of public policy.

For all these reasons I would hope that the Senate would agree to consider the possibility of having a special standing committee on science policy. I am sure that we will have much to do in future years in such a committee when we will be called upon to consider immediate and specific problems, and to review annually certain areas of our science policy, such as the physical science one year, the life sciences the following year, and the social sciences in a subsequent year. I do not think that this would disrupt in any way the proposal already made with regard to the Committee on Health and Welfare. I think that committee, under its proposed terms of reference, would have a lot to do, and I would propose that it consider two additional items.

Hon. Mr. Choquette: Mr. Chairman, at the risk of appearing disagreeable, I would remind the honourable chairman that we are here in Committee of the Whole to consider this report on the rules. Now we are getting into a debate that sounds like a debate on the Speech from the Throne. If we continue like this, we will never complete our business.

Some Hon. Senators: Hear, hear.

Hon. Mr. Lamontagne: Mr. Chairman, I think I am perfectly in order. I am doing this now in order to shorten our debate when we come to this item, because if I were to move an amendment at that time without proper notice, we might have a long discussion.

But if at this stage we can reach some agreement on what should be the terms of reference of these two committees, I would be very pleased and satisfied to work in collaboration with Senator Molson in preparing the appropriate amendments, so that when we reach this item we will be able to proceed much more rapidly than otherwise would be possible.

The Chairman: Honourable senators, in calling your attention to the proposed new Rule 78 (1), I was going to suggest to honourable senators, that as 78 (1) is a very extensive paragraph and contains many suggestions, we should deal with each subparagraph or item by itself. If we adopt that procedure, the remarks of the honourable Senator Lamontagne would of course fit into section 11. I recall to your attention that we are on general paragraph No. 1 and that your remarks should be general, keeping your detailed observations for the separate subparagraphs for all items to be discussed later.

If that meets with your general approval, I suggest we proceed in that fashion. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Allister Grosart: Honourable senators, Mr. Chairman, I have every sympathy with the impatience at the moment of my Acting Leader and his desire to get on with the debate item by item. However, I very much doubt if we are going to get through with this today. I agree completely with Senator Roebuck, that this is not a matter of such unimportance that we should attempt to rush through it this afternoon. Some of us have had time to go through the proposals before us, and personally I have not any great quarrel with them. However, I merely point out that I would hope that no honourable senator would be at all reluctant to make his views known at this stage of the debate on paragraph 1. As the chairman has already pointed out, it is perfectly proper to discuss what is in effect the principle of the amendment before us.

I join with others in congratulating Senator Molson and his committee on the work they have done and the expedition with which they have brought some results of their deliberations before us. I accept his explanation as to why we start at this particular point in the rules, because obviously the terms of reference of the committee are much broader than merely the status of our committees. I would hope that the terms of reference, as Senator Hayden suggested, might in due course be greatly expanded to go beyond the rules and to consider the whole conduct of our business in this chamber.

Personally, I am delighted that for the first time since I have been here, the Senate is now in Committee of the Whole. On a number of occasions I urged this as one of the "improvements", to use the Government Leader's words, that might be needed. Usually it has been said that we are in a different position to the House of Commons—and to government representatives in that house—in that it is not convenient to have public servants here to assist in answering the questions. However, I think the reference of these particular amendments to the rules to Committee of the Whole indicates that there are subjects that can quite properly, and I think profitably, be referred to Committee of the Whole of this house. I would hope that this would become a common practice rather than an uncommon one, as it is at the moment. I am not making any specific comment on the rules or the amendments proposed to the rules, but with your permission I will have something to say on one or two specific items when they come before us.

The reconstitution of our committees, I take to be necessary. I have no particular reason to believe that that is so, but I have every respect for the committee. I know of the long hours it has put in, and I take for granted that some such reconstitution is, in their judgment, necessary. I hope that as the discussion goes on the chairman or some members of the committee will explain to us, in a little more detail, why certain of these reconstitutions are regarded as necessary.

Obviously, the main change seems to be in the function of the Banking and Commerce Committee which, over the years, I think by general consent, has been regarded as the outstanding committee of the Senate. In saying that, I do not derogate for one moment some of the other committees. Perhaps I may be allowed to say that, because up until recently I was not a member of that committee. It has been an outstanding committee, and I must say I am a little perplexed about some of the rearrangements of functions that are contemplated. I hope they will be explained to us in detail as we go along, as no doubt they will be.

A question has been raised as to the functions of the committees of the Senate. Particular reference has been made to the existing committee on External Relations. The suggestion is that it be renamed the Committee on External Affairs. No doubt there is good reason for that change.

I am not concerned, as some other honourable senators appear to be, that the Senate as a whole or a committee of the Senate, should find itself ahead of Government policy.

Hon. Mr. Aird: Hear, hear.

Hon. Mr. Grosart: I do not quite understand what the objection is, particularly from some of my very good friends on the other side who quite properly, on an earlier occasion, seemed to have no compunction about opposing Government policy. If it is quite appropriate for the Senate to oppose Government policy—and I think it is—it is perhaps a truism to say that the Senate has been most effective, over the long haul when it has been in that position, due perhaps to a majority on this side of the house, to be able to oppose Government policy. There have been times when opposition to government policy has

come even when there has been a Government majority here. I believe Senator Hayden deserves credit for the very great distinction, according to the memoirs of a former Prime Minister I have read, in that he was named as one of a "band of rebels", although at that time he was on the Government side. I think that is one of the great distinctions of his career—the work that he did at that time. Therefore, as I say, I am not greatly concerned about the Senate getting ahead of Government policy.

The Leader of the Government was good enough to refer to the speech I made on Canadian-Caribbean relations. Of course it was ahead of Government policy, or I would not have made the speech. The whole purpose of my making it was to suggest that the Government might take that next step, and I do not see that any great harm would be done if our own Committee on Foreign Affairs, External Relations, External Affairs, or whatever it may be called, were actually to recommend the proposal I made then to the Government. It would be ahead of Government policy, but the Government, as the Leader has said, is of course the only body that can make the executive decision that would be necessary to implement that as policy.

Again, I say I am not at all concerned that any of our committees will at any time find themselves making recommendations or presenting reports that are ahead of Government policy. On the contrary, I think perhaps one of the omissions of the past was that we were a little afraid to do it. What is wrong with it?

A very good example is Senator Croll's Committee on Aging. It actually made a recommendation which was way ahead of Government policy at the time, the recommendation that there be an income supplement. That was later adopted by the Government. I do not think the Government was embarrassed—and at the moment it would not concern me too greatly if it were! However, I saw no indication of embarrassment, and I think Senator Croll probably would be the last one here to wish to embarrass the Government. But as I remember, he had no compunction, in going ahead and saying, "This should be your policy in this very important area of supplementing the incomes of our senior citizens."

I will have some comments to make in support of the position that Senator Lamontagne has taken. I may say, Mr. Chairman, though it is not my business to say so, that I think he had a very good reason for giving you his comments at the time he did, and I hope he will now go home and go to bed and take care of himself.

Hon. Mr. Hollett: Honourable senators, I move that the Chairman now leave the Chair to report progress and ask leave to sit again.

Hon. Mr. Croll: I second the motion.

The Chairman: It has been moved and seconded that the Chairman do now leave the Chair and report progress and ask leave to sit again.

Honourable senators is it your pleasure to adopt the motion? Those in favour say "Aye".

Some Hon. Senators: Aye.

The Chairman: Those against say "Nay".

Some Hon. Senators: Nay.

The Chairman: In my opinion, the "Nays" have it.

Hon. Keith Davey: Mr. Chairman, as honourable senators will appreciate, this is not the first time I have followed Senator Grosart, nor will it be the first time I have agreed with much that he has said. I hasten to assure his acting Leader that this will be only a very brief intervention.

Some of us are still inclined to regard ourselves as "new senators." This includes those of us who arrived in the Senate at the same time as my friend Senator Hays, and while I certainly do not share his views on politics or politicians, I do agree with many of the things he said today.

I want to assure Senator Molson of the keen interest of all honourable senators with whom I have spoken—and it has been evidenced in the discussion today—in the work that his committee is doing.

I would like to recall briefly what really happens to a person appointed to the Senate and, if you will forgive me, what happened to me when I arrived in the Senate. It seems to me that you arrive here with the public stereotype of the Senate of Canada, and quickly acquire this public stereotype of senators in general. You arrive with some reluctance and with a great deal of concern about what the Senate is really like and what its usefulness will be. I think that many of the newer senators would agree with me that you are at first stunned and then delighted to understand what goes on in this place, to realize how effective the chamber is.

I certainly soon came to realize that in this chamber we have many of the most brilliant speakers and debaters I have heard anywhere in my travels in Canada. Certainly there are none more so than Senator Hayden. I do not think Senator Hayden has spoken in this chamber when I have been present that I have not been—if he will forgive the word—thrilled by his remarks and his approach. While singling him out, I should mention also that there are many other honourable senators of the same calibre. I think it is fair to say that debate in this chamber is on the average better than the debate which takes place in the other place.

We arrived here perhaps not disillusioned but certainly concerned, but not long after we arrived we became very impressed by our colleagues, and by the Senate itself.

However, honourable senators, the simple fact is that the press of Canada is not impressed, nor are the people of Canada impressed, by what happens here day after day. Perhaps it is simply because of the fact that they do not realize what takes place in this chamber day after day. The net result I suggest to you is that the reputation and, if you will, the image of the Senate sinks ever lower, and I think we must face the fact that we have a very serious crisis in respect of the confidence of the people of Canada.

Hon. Mr. Benidickson: May I ask if you are a member of the Special Committee on the Rules, Senator Davey?

Hon. Mr. Davey: No, I am not.

Hon. Mr. Benidickson: I am listening to you with great interest.

Hon. Mr. Davey: I am not a member of Senator Molson's committee.

Some senators would have us believe that the problem in respect of the reputation of the Senate, or its so-called image that I have been talking about, is to be solved simply by there being an improvement in our public relations. I think any public relations professional will tell you that while a program of good public relations would certainly assist the Senate, the best public relations in the world will be as nothing if there is not substantive reform in what takes place here day by day. This is one more reason why I think the kind of committee which Senator Molson heads is so vitally important, and must come first before we progress in the other directions I have been mentioning.

So, I repeat my view, that although the work that goes on here day after day is steady, substantial, solid and commendable, there are not too many more people than ourselves who are aware of just how effective it is.

Yet, there are times when our good works do come to the attention of the press and the public of Canada. It seems to me that this very often occurs—perhaps more often than not—because of the work of the committees of the Senate. As Senator Grosart has suggested, in the work of the committees we are ahead of the House of Commons and, if you will allow it, ahead of the Government. Senator Grosart has given some examples, and I shall not repeat them.

Senator Hayden expressed some concern about the future involvement of the Senate in external affairs. In my opinion, this would be an excellent subject matter for us as senators to become involved in, because as this nation grows what happens in the world is of increasing concern and interest to all the people of Canada. I honestly believe, that if we can lead the way—indeed, even if we can point the way for the House of Commons, for the Government of Canada, for the people of Canada, or anyone else—in this or any other area we will have done a very great service.

I read the speech made in Kitchener by the Honourable Leader of the Government, to which Senator Hayden referred to, and I prepared myself to commend the leader on his speech. Naturally, I am concerned if in the remarks he made today he seems to be prepared to back away from the remarks he made in Kitchener. I hope that that will not be the case.

My final remark is in respect of the reconstitution of the Senate committees themselves. I do not want to take issue with Senator Grosart, but he did question the continuing role and function of the Standing Committee on Banking and Commerce. I am one of those who agrees that this has been an outstanding committee, but why should it not have been an outstanding committee when we have referred every manner of matter to it? We have referred to the Banking and Commerce Committee matters which have no remote relation to banking or to commerce. I would hope that we shall have some assurance from the chairman of the committee, or from some of its members, that these matters which I do not really think lie within the jurisdiction of a committee on banking and commerce will be referred to other committees; that the

workload will be divided among other committees.

I thank all honourable senators for their kind indulgence.

Hon. John M. Macdonald: Mr Chairman, perhaps I might be allowed to say a word or two before we get into a discussion of each of the items. I have listened with a great deal of attention this afternoon to what has been said, and especially by those senators who seem to imply, even though they did not state it, that our main work should be committee work. With this, I do not agree. After all, our Parliament is a two chamber system.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Macdonald: For that reason this chamber should be a chamber which discusses and debates legislation.

If one reads over the *Confederation Debates* one will find nothing to the effect that the Senate's sole function is the setting up of committees to investigate and report upon certain matters. Certainly, the work of committees is important and valuable, but it is my view that what is done in this chamber should be our main work.

This chamber should be the forum in which legislation and proposed legislation is discussed and debated. Other questions can also be discussed here by means of placing a motion on the Order Paper, or a notice to the effect that a senator will bring to the attention of the Senate a certain matter. By so doing we not only express our own views, but also educate ourselves.

I mention foreign policy. By discussing foreign policy here we would get a better idea of Canada's role in world affairs than we could possibly get by reading the *Debates of the House of Commons*, listening to speeches, or generally learning as best as we can.

I do not think we should act as though this house were a rubber stamp for legislation that is brought before it from the House of Commons. We are equal in status with the House of Commons. I believe that right here is where we should examine legislation. If anything, we put too much emphasis on the work of committees.

It has been mentioned this afternoon that we seem to refer everything to the Standing Committee on Banking and Commerce. That is fine, but that committee is only a part of the Senate. Only a few senators actually participate in the discussions in that committee. I am inclined to think that it might be better if we used this system of Committee of the Whole House more often. Instead of considering legislation clause by clause in committee, we should do it right here in Committee of the Whole.

Hon. Mr. Croll: How would you obtain your answers to questions?

Hon. Mr. Macdonald: That is a problem, I admit.

Hon. Mr. Benidickson: How would you examine witnesses?

Hon. Mr. Macdonald: Perhaps we can follow the same procedure as the House of Commons.

Hon. Mr. Croll: In the other place it is the minister who is examined, not the witness.

Hon. Mr. Macdonald: He has some of his experts on the floor with him to assist him in his answers.

Hon. Mr. Benidickson: We examine the Leader of the Government.

Hon. Mr. Macdonald: Perhaps we could ask the minister to come here. I am not, however, saying that is a hard and fast rule, but I do say we put too much emphasis on the committee work and not enough on what should be done in this chamber.

Hon. Mr. Molson: The minister is permitted to come now.

Hon. Mr. Macdonald: He can come now, that is true, according to our rules. I think too, in this day and age, it is important to consider the image we present to the public as a whole, and if we depend upon our work in committees for that image the public will know nothing about it. I do not advocate that here in this chamber we should be controversial about everything or take partisan points of view, but at least we can express our own point of view, and by so doing we will be assisting the general public to understand the legislation being brought before us and our role in considering that legislation.

I agree with the proposed arrangement by which we shall have six committees of equal importance instead of having one or two of great importance and a number of no importance whatsoever.

Hon. Donald Cameron: Honourable senators, I will be very brief. This is an historic occasion, because as one who came into the

Senate in 1955, this is only the second occasion I can recall upon which we have met in Committee of the Whole since that time. I have felt for many years that this practice should have been followed more often. At the risk of provoking Senator Choquette's displeasure for prolonging the discussion in a general way—

Hon. Mr. Choquette: Filibustering!

Hon. Mr. Cameron: —there are certain general remarks that have to be made. If they are not made now they will be made later. There is an appropriate time at which these general statements should be made and I think this is the time.

I always listen to Senator Hayden with the greatest care, and being very much concerned about the public image of the Senate and the kind of image that is promulgated by certain members of the press, on the basis of the most monumental lack of knowledge, I have suggested that all one need do was to attend the Standing Committee on Banking and Commerce and watch Senator Hayden in action to get some appreciation of the quality of work done in that branch of the Senate and in many others. I do not want to embarrass him, but I have on many occasions listened with fascination and delight to the lucidity with which he has gone through very involved and complicated bills. I know of no one else in this chamber who has had that capacity since I have been here.

Some Hon. Senators: Hear, hear.

Hon. Mr. Cameron: Therefore, when I find myself disagreeing with him I like to take a second look at the reasons he put forward. He said he had some reservations about the speech made by the Leader of the Government at Kitchener. As a matter of fact, I read the newspaper report of Senator Martin's speech at Kitchener and I wrote him a letter this morning commending him for it. I also suggested that already in this session there has been a new mood and a new feeling of accomplishment in the chamber. There are two reasons for that. One is the Leader of the Government himself; the other is the excellent performance of His Honour the Speaker of the Senate.

Hon. Senators: Hear, hear.

Hon. Mr. Cameron: We have in the Leader of the Government a man with a life of experience in the field of international affairs. On a number of occasions in this session questions on international affairs have been asked of him and he has answered them in the chamber. To me this has been a very fine thing to have happened, and I hope it will happen more frequently. I should like honourable senators to feel that they can at any time ask the Leader of the Government questions in the area of his own expertise. This would add greatly to the interest and effectiveness of this chamber. There are other members of the Senate with expert knowledge who could be questioned in the same way.

Senator Hayden did make one point which I think we should examine. Under the existing rules, through the technique of a senator saying that he will move a certain motion or call attention to some matter, we are provided with an opportunity to discuss problems that are important and timely. However, over the years my experience has been that until the last year or so this device has not been used nearly as much or as effectively as it should have been. Nevertheless, it is there and we should use it more than we have done.

With respect to the fear of Senate committees being ahead of government policy without reflecting on government policy, I would say this is one of the reasons we should be here. For example, in the Special Committee on Science Policy we are blazing a trail into the future and unless we are ahead of government policy we are wasting our time. I am sure we are performing a service for the people of Canada that will pay great dividends in the future. Undoubtedly this is true of many other committees. I therefore say there is nothing wrong with the Senate or a Senate committee being ahead of government policy. If for its own good reasons the Government is unable to implement the recommendations of the Senate or a Senate committee, it will have to justify turning them down. Our role can be an advocative role, a role of communication to the public, communicating what needs to be emphasized to a much greater extent than at the present time. I will say no more about that.

It is proposed to reduce the number of Senate committees from 19 to 11. I am one of those who have viewed with some concern the encroachment on space in this building, or the lack of space for Senate committees to meet, the lack of facilities and the difficulty of providing adequate staff for *Hansard* and so on. Many honourable senators have sat idle for 20 minutes or half an hour in a committee because of a lack of quorum as three or four other committees were meeting at the same time, or because another Senate committee

required the room, or because the Senate reporting staff was required for other committees. The reduction of the number of committees is one way of making more effective use of and modernizing our resources. Therefore, in terms of using the space available and of making more effective use of the reporting staff, this is a good thing.

While on the subject, I should like to add this comment for the benefit of the Leader of the Government and what has been the Senate Committee on Internal Economy and Contingent Accounts. I have viewed with some concern the continual encroachment by the other place on the space required for the Senate, and I think it is time that we say, "Thus far and no farther." Maybe they have gone too far now and it is time we started pushing them out. I understand from the chairman of the committee that steps have been taken in this direction, and I commend them for it.

By having fewer and larger committees with freedom to deal with all subjects, we can increase the effectiveness of the Senate and its committees in the Parliament of Canada, and we can acquire the same status as the Senate committees in our sister country to the south. This is all to the good, but it does not mean in any sense of the word that we should emulate in all respects the policies they follow. I would not wish to think of a Senate committee on un-Canadian activities. That is one we can do without.

I have one other brief observation. It has to do with a general rule, and I will have more to say about it later. But I am one of those who is very jealous, as I know the rest of you are, of the image of the Senate, of the acceptance of senators and the work they do.

Sometimes when I read derogatory accounts in the newspapers about this "senile, doddering institution" I point out to these people publicly that some of my colleagues in this chamber are directors of some of the largest and most successful businesses in Canada. They are doing their work with efficiency and credit to themselves and their country. Anyone who expresses that kind of nonsense simply does not know what he is talking about. There are many senators here who are not involved in large business corporations, but in other activities equally important. There are probably two dozen senators who are also members of Senates and boards of governors of universities and other similar public bodies.

Participation in these bodies is a good thing for the Senate and it is welcomed by the bodies of which these sentors are members. But it does take time. Therefore, I think consideration must be given under our rules, when people like my friend Senator MacKenzie and myself and others have to travel to the far end of Canada—we have to leave Ottawa on Thursday night or Friday morning, and probably will work through the weekend; and it is practically impossible to do any work out there and return to Ottawa in time for a Monday sitting. This does not mean the Senate cannot sit on a Monday, but consideration should be given to senators who are absent on public business of that kind. It may not be directly government business, but it is the people's business, and it is good for the people of Canada as well as for the Senate. This is one of the means of impressing on the people that senators are active members of the community of which they are a part. It is an essential part of a senator's responsibility to participate in public offices and in public affairs, provided he does not make it an excuse for not paying attention to the work of the Senate. I am sure no one would do that. But he should not be penalized in terms of time, and I believe the rules committee is doing something to recognize this.

In regard to the matter that Senator Lamontagne brought up about making the Committee on Science Policy a continuing committee, I simply want to say that in terms of the knowledge we have now, this is going to be one of the most important areas of public service in this country. The more you listen to what is going on in the scientific world today, the more impressed you are that you cannot neglect the activities that are taking place in the field of science. We must allow ourselves a lead time of not less than ten years, and in many cases fifteen and twenty years, in formulating policies, which means that today we must be formulating policies that will be brought to fruition in a minimum of ten, fifteen years or twenty years from now. This is one of the biggest tasks any committee of the Senate could tackle, and I hope that the Committee on the Rules of the Senate will make provision for continuing this work.

My final word is one of commendation to my friend and former room-mate, Senator Molson, and to his associates, for the excellent job which they are doing. It is a first-class job, but it is only the beginning.

Hon. John J. Kinley: Honourable senators, I have been coming here a long time and I have had some experience in Parliament. I must say that when I first came to the Houses of Parliament as a young man, I was fascinated by the interest in the rules of the house. I understood it was a study in itself. The Speaker would refer to Parliamentary authorities such as Bourinot and others, who were quoted by members on both sides of the house. There were members who gained high reputations in Parliament for their knowledge of the rules.

The rules of Parliament have been changed a great deal since I came here. I remember there was a Minister of Marine and Fisheries, but when we came to discuss matters affecting the merchant marine we had to go to the railway committee. Later on it was the Committee on Transport and Communications to which marine matters were referred. I always thought that railway and marine interests were in conflict. We have lost the merchant marine but we still have the railways.

Canada is such a broad country with such long coastlines both east and west that we used to feel we should not leave all these matters to be dealt with by the railway committee. The interests of our marine were surrendered. We were told that we could sell more grain and other products if we shipped our freight on foreign vessels. So the ships of our West Indies fleet were sold. On the other hand, our lakes were then land-locked because of the lack of depth of water at the sills of the locks. Today it is different.

It was my impression that legislation dealing with our ferries operating between Nova Scotia and Newfoundland, between Prince Edward Island and the mainland, and over the Bay of Fundy, should come under a committee on marine matters. We thought that this should be dealt with separately and not be controlled by our railways. The directors of the merchant marine were also directors of the railroads. I felt that with this interlocking management, the interests of the merchant marine were in jeopardy. Now we find this important industry tacked onto a committee of international affairs, and this new committee is to deal with "territorial and offshore matters." It seems to me that this is a poor allocation for our marine affairs and that there should be a special committee of the Senate where the merchant marine service can be discussed on its merits. At the same time, I think marine and fisheries are two services which by their nature should come under one committee. I would put a lot of faith in such a committee. It would have a maritime atmosphere, and legislation affecting activities on the sea could be entrusted to it.

I agree with Senator Roebuck that there should be some delay in these deliberations, that we should have some opportunity to consider the proposed amendments and to discuss them later. These amendments came into my hand only an hour or two ago, and I find, for example, that the Standing Rules with respect to divorce are referred to. In order to understand the amendments, one must understand the rules; so it would be wise to have sufficient time to study both the rules and the amendments. We should take our time and give this important matter the consideration it deserves.

Honourable senators, I have been a member of Parliamentary committees for 32 years, and I have been an active member of the Senate Divorce Committee since coming to the Senate. I have not always agreed with Senator Roebuck, but he has been an industrious chairman and has done valuable work.

The parliamentary divorce procedure was not changed because of the Rules of the Senate but because certain people in the House of Commons used the rules of that house to filibuster and delay the passage of legislation. That is what led to the change in the first place, and now these divorce cases have been transferred, with the approval of a certain minority, to the Exchequer Court of Canada. While I admit that the Exchequer Court is the appropriate place for the handling of these divorce cases, I did not like the way the other place treated this matter and surrendered its authority to two or three of its members.

Senator Hayden has served as chairman of one of our most important committees, the Standing Committee on Banking and Commerce. He is a leading lawyer in this country, and I am sure that everyone in this house will agree that he is a splendid chairman. Senator Hugessen was an outstanding chairman of the Standing Committee on Transport and Communications, as anyone who served under him well knows. I also served under Senator Aseltine who was a very capable chairman of the Divorce Committee. He and the late Senator Haig were the leading members of that committee for some years.

At times some of us are a little slack in our attendance. We from the Maritimes and from the west must stay in Ottawa over the weekends—it is too long a journey home. As

members of the Senate we are expected to assist and advise on all important legislation. This being so, I think we should do the job. There is no other way to approach our work. Perhaps there are times when we feel we should have time off, but our first duty is to attend the Senate. We have an important job to do and we should make it our duty to do it, even if it is not our bread and butter.

I must say that I have voted against the motion of my honourable friend to adjourn because I thought we should go the limit on this matter today.

Hon. Mr. Choquette: There is no limit.

Hon. Mr. Kinley: I do not think that we should conclude this debate today. There should be a chance to read the proposed rules, to compare them with the previous rules and to give this matter our best judgment.

Hon. W. M. Benidickson: Mr. Chairman, since I have been a member of the Senate, I do not recall such a valuable informal discussion as we are now having under your chairmanship of this Committee of the Whole. This is a desirable feature of the Senate that we might usefully continue. I agree with all of those who have spoken—Senator Kinley who just preceded me and Senator Macdonald from Cape Breton and others—who said that we are discussing matters so important that we should continue this discussion in the Committee of the Whole.

I intend to make only a few remarks, concluding with a motion for adjournment of this Committee of the Whole.

Some Hon. Senators: Why?

Hon. Mr. Benidickson: I will tell you why. Some important recommendations for streamlining the rules of this chamber have come to us recently from the Special Committee on Rules of the Senate. I think these recommendations are to the good. Though I was not a member of that committee, I believe it was well constituted and had an excellent chairman. Like you, I observed on the bulletin board the timing of the committee's sittings. They have sat, literally, morning, noon and night for some weeks. For that, I commend the chairman, who I believe is still an independent member of this chamber. At least I can tell those on the other side that he does not attend the caucus of our party.

I think that he gave great leadership to the conduct of this committee and I compliment him and the other members of the committee because they have met so frequently.

I always appreciate very much the sound remarks by Senator Cameron. He has given a great contribution to the Senate. He is busy at the moment on another worthy committee, the Science Committee. I agree with what he said, that we are often ahead of government policy here.

Is that not so, honourable senators? When we look at some of the worthwhile Senate committees and their results we must appreciate that that is true. For example, the Committee on Land Use resulted in many millions of dollars being sent under government policy, on our advice, to the less opulent areas of Canada. Our Committee on Manpower dealt with unemployment. Our Committee on Aging was important, and so too was the Joint Committee on Consumer Credit.

Yes, this body can do a great deal. But I do agree with Senator Macdonald, that more of this discussion could and should take place in this chamber rather than in Committee.

I have little more to say, except that for myself I find the changes to standing rules being recommended by the committee under Senator Molson are fairly radical. If they are truly radical, I would like the opportunity to peruse them. We have only just got the details now.

Hon. Mr. Molson: Mr. Chairman, may I make one observation? It is not true to say that the Senate has just received a copy of the report now. The report was appended to *Hansard* of October 31 and also appeared in the *Minutes of the Proceedings* of that day. I do not quarrel at all with the suggestion that senators must have enough time to study these changes. I would just like to say, however, that it rather sounds like a reflection on your committee that they would give you a five-page document with the suggestion that you pass it today. This was not the case.

Hon. Mr. Benidickson: Senator Molson, I would not want to make that reflection. May I say that the fault is mine. I went to western Canada and perhaps have not perused fully the official documents that have been presented in the past few days.

However, having heard the debate here today, I feel that there is a desire that your recommendations, being of such importance, be given further consideration overnight. It is no reflection upon them, upon you or your committee when we ask an opportunity to

adjourn the debate for that purpose. I so move, seconded by Senator Croll.

The Chairman: Honourable Senator Benidickson, if you will refer to Rule 73 you will see that a senator may at any time move that the Chairman leave the Chair, or report progress and ask leave to sit again. I assume that that is the intent of your motion.

Honourable senators, you have heard the motion. What is your pleasure?

Some Hon. Senators: Agreed.

The Chairman: Shall I report progress?

Hon. Mr. Choquette: What progress?

Hon. Mr. Benidickson: May I amend the motion, Mr. Chairman, to say until Tuesday next?

Some Hon. Senators: No.

The Chairman: The original motion to which we agreed was that we report progress and ask leave to sit again. The Senate has already passed that motion. I would like now to make a report to His Honour the Speaker.

Hon. Mr. Roebuck: Mr. Chairman, I hope to have a meeting of the Divorce Committee on Tuesday. I could not have it much sooner than that. It may be necessary to adjourn from Tuesday until Thursday.

The Chairman: As I understand the position, there is no desire to rush these suggestions or proposals through at all. The desire is to have full and complete discussion on each item. Earlier this day I suggested that when we come to the various sub-items we could discuss one after the other in detail, which will give us ample opportunity to discuss the various committees that are under consideration at the moment. May I suggest that perhaps you could leave this in the hands of the house officials, that is, the Leader of the Government and the Acting Leader of the Opposition?

Hon. Mr. Roebuck: I suggest that we meet again on Thursday, rather than on Tuesday.

Hon. Mr. Hayden: Mr. Chairman, may I say that we are in Committee of the Whole and there is now a motion that the committee rise and report progress and beg leave to sit again. That is all the committee can do and you must report that to the Speaker. The Speaker will then take it up from there and find out from the Senate what the Senate wants to do.

The Chairman: The honourable Senator Hayden is quite right.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker the committee to which was referred the Third Report of the Special Committee on Rules of the Senate has taken the said report into consideration, has made some progress thereon and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee ask leave to sit again?

Some Hon. Senators: At the next sitting.

Hon. Mr. Benidickson: I move that this committee sit again at pleasure.

Some Hon. Senators: At the next sitting.

The Hon. the Speaker: I will put the question. It is moved by honourable Senator Martin, seconded by honourable Senator McDonald, that the committee have leave to sit again at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Hon. Mr. Grosart: Honourable senators, I would like at this stage to make a suggestion in relation to this motion. The Committee on Science Policy will be meeting tomorrow, and indeed today it postponed its afternoon session because of the intention to discuss this report in Committee of the Whole this afternoon. No doubt there are other committees which also intend to sit. I would respectfully suggest to the Leader of the Government that every effort be made to resume this very important debate on Senator Molson's amendments at a time when no committees are scheduled. Whether that is done by the Leader of the Government speaking to the chairman of the committee, or vice versa, is immaterial, but I think it is most important that we resume this debate at a time when none of our committees is sitting.

Hon. Mr. Martin: Honourable senators, it is the intention to bring this matter forward tomorrow. It is up to each committee to determine its program. This was done by the Science Policy Committee. It is for this reason I expressed the view which I did as to giving committees the right to sit while the house was in session. In the case of the

Science Policy Committee the right was given. It is our intention to proceed with this matter tomorrow. Senator Molson and his committee have been meeting at difficult hours in order to complete their work. I think they are right in trying to complete this work as early as possible to anticipate other meetings that will be taking place, and also because the committee's efforts may well have a bearing on what is being done here. Therefore, it is proposed that we go on again tomorrow.

Hon. Mr. Croll: Honourable senators, I have no special interest, and I support the report of the committee. I had intended to say something about it, but I am very much concerned that we are working under pressure and with undue haste. Senator Roebuck, Senator Hollett and Senator Benidickson have all asked that the matter be put over.

Now, it has always been the practice of the Senate to extend courtesy to members who ask for these not unreasonable considerations. I think if the Senate wants to make progress on this report or on any other report, one of the first things they can do is extend consideration to the members of the Senate.

Hon. Mr. Martin: Honourable senators, I think we are all anxious to be courteous to one another but, at the same time, we have to recognize that we have problems. It is not that we are trying to be discourteous or that there is any intention on the part of anyone to preclude participation in debate. We are certainly anxious to hear Senator Roebuck speak on these matters because of his chairmanship of the Divorce Committee, but the work ahead of us is undoubtedly extensive. It seems to me it would be very unfair to this committee, which has sat at most unusual hours in order to bring in this interim report, if we were not to try to give its chairman and members as prompt a decision as possible. It does not mean that we will preclude any senator from expressing his views.

We have had this general debate all afternoon. I think it has been useful, but the time is now approaching when we want to examine the various items. If the Senate does not wish to pursue this course tomorrow, despite the urgent request being made of us by the chairman and the committee, the Senate can take another course. There is no lack of courtesy towards anyone. The fact remains that we have obligations and we want to discharge those obligations in the best way possible.

The Hon. the Speaker: I will put the question again. It is moved by honourable Senator Martin, seconded by honourable Senator McDonald that the committee have leave to sit again at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 349 to 388, inclusive, which were presented yesterday.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 330, for the relief of Geraldine Elaine Vosko Bellam.

Resolution 331, for the relief of Jessica June Gold Pottier.

Resolution 332, for the relief of Arthur Georges Bourcier.

Resolution 333, for the relief of Raymond Leclair.

Resolution 334, for the relief of Mireille Youssef Tiriakian Guerguerian.

Resolution 335, for the relief of Heather Leigh Barlow Large.

Resolution 336, for the relief of Diane Joan Bowden Gareau.

Resolution 337, for the relief of Anna (Chana) Schuster Mussman, otherwise known as Anna (Chana) Schuster Musman.

Resolution 338, for the relief of Barbara Jean Gauvin Descoeurs.

Resolution 339, for the relief of Arline (Irene) Cohen Fitleberg, otherwise know as Arline (Irene) Cohen Fitelberg.

Resolution 340, for the relief of Sandra Lillian Gill O'Reilly.

Resolution 341, for the relief of Renald Leclair.

Resolution 342, for the relief of Helen Patricia Campbell McNally.

Resolution 343, for the relief of France Benard Goyer.

Resolution 344, for the relief of Romuald Marcel Chayer.

Resolution 345, for the relief of Earle (Earl) Robert Hornett.

Resolution 346, for the relief of Henry Edward Russell Feeney.

Resolution 347, for the relief of James Phillipe Crowshaw.

Resolution 348, for the relief of Diane Merchant Brown.

Resolution 349, for the relief of Enid Emma West Sparkes.

Resolution 350, for the relief of Barbara Anne Howie Curtis.

Resolution 351, for the relief of Lise Fournier Bernier.

Resolution 352, for the relief of Rene Paquette.

Resolution 353, for the relief of Rene Charneau.

Resolution 354, for the relief of Raphael Richard.

Resolution 355, for the relief of William James Rae.

Resolution 356, for the relief of Kenneth Alsbury.

Resolution 357, for the relief of Thelma Jean Whyte Smith.

Resolution 358, for the relief of Bernard William Sylvester Lavallee.

Resolution 359, for the relief of Jacques Gagnon.

Resolution 360, for the relief of Nicole Goyette Bastien.

Resolution 361, for the relief of Charlotte Mathieu St. Pierre.

Resolution 362, for the relief of Frank Ala.

Resolution 363, for the relief of Leontine Tina Abcarius LeFrancois, otherwise known as Leontine Tina Abcarius Nelson.

Resolution 364, for the relief of Andre Oscar Charles Eugene Wabant.

Resolution 365, for the relief of Sylvia Dorothy Scarrott Thomson.

Resolution 366, for the relief of Marie Bourassa Petit.

Resolution 367, for the relief of Claudette Du Ruisseau Belhumeur, otherwise known as Claudette Du Ruisseau Bellehumeur.

Resolution 368, for the relief of Gilles Champagne.

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Resolution 369 for the relief of Micheline Rodier Saint-Denis.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken in consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be placed on the Orders of the Day for consideration on Tuesday next.

Motion agreed to.

AERONAUTICS ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, October 31, the adjourned debate on the motion of Honourable Mr. Laird for the second reading of Bill S-14, to amend the Aeronautics Act.

Hon. J. Campbell Haig: Honourable senators, this is the first time this session, I have had the opportunity of speaking in this house. At the outset I want to extend my sincere and honest congratulations to the Honourable Paul Martin, the new Government Leader, and to wish him continued success in this new line of endeavour and duties.

To you, Sir, our presiding officer, may I wish you well in your new position. If past performance is any indication, we are going to have a well-run chamber. To you also I offer my congratulations and best wishes.

I might add here after the long discussion on the Rules of the Senate this afternoon that I hope they will get through our business before the end of the year.

Coming now to Bill S-14 Senator Laird on Thursday last gave us a concise and clear explanation of the measure. He said in the course of his remarks that it was purely a housekeeping matter or a tidying-up process because of the transfer of the Air Transport Board to Canadian Transport Commission.

Honourable senators I was pleased to see that minor matters such as parking fees at airports can now be dealt with by regulation instead of by order in council. I think it was a good move on these somewhat minor matters. Furthermore I am pleased to see that this bill provides for a more clear-cut position so that our air industry will have less combersome methods of operation in the conduct of the industry.

Honourable senators I recommend favourable consideration of Bill S-14.

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators when shall this bill be read the third time?

Hon. Mr. Laird moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

AMPLIFICATION SYSTEM

On the motion to adjourn:

Hon. J. Campbell Haig: Honourable senators before we adjourn may I ask his Honour the Speaker or whoever is responsible to see that the amplification system is put in proper order. There has been a terrific amount of static or feedback this afternoon.

The Hon. the Speaker: This is the second or third complaint I have had. I understand the complaint of the honourable senator has to do with the simultaneous translation system.

Hon. Mr. Haig: No, I refer to the amplification system.

The Hon. the Speaker: A few days ago certain honourable senators complained because there was no simultaneous translation from English to French for two days. I inquired about the matter this morning; and this complaint will be taken into consideration too.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, November 7, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENT TABLED

Hon. Paul Martin tabled:

Report of the Superintendent of Insurance for Canada—Small Loans Companies and Money-Lenders licensed under the Small Loans Act, for the year ended December 31, 1967. (English and French texts).

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, November 12, 1968, at 3 o'clock in the afternoon.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, in accordance with recent custom, I wish to give an indication of what I envisage to be our timetable for next week.

The Senate will be in Committee of the Whole on the third report of the Special Committee on the Rules of the Senate; the debate will continue on the motion of Honourable Mr. Croll for the appointment of a special committee to study all aspects of poverty in Canada.

We should conclude the debate on the motion for the second reading of Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code, after which the bill will be referred to committee.

Debate on the motion for second reading of Bill C-110 to amend the Farm Credit Act, will continue, at the conclusion of which the bill will be referred to committee.

Honourable senators will note on the Order Paper the second reading of a bill to amend the Canada Evidence Act. I indicated on a previous occasion that after the judges had completed their meeting at Quebec on November 4 we would be in a position to proceed with this bill. We are able to proceed with it now, and I hope we shall do that next week. This is a voluminous and important bill, and my expectation is that its second reading will be moved on Thursday next.

It is expected also that we shall receive from the other place Bill C-124, the C.N.R. Financing and Guarantee Act, 1968, and Bill C-112, to amend the Farm Machinery Syndicates Credit Act. It is possible that we shall also be in a position to proceed with a bill concerning hate literature, which was before this house last year. I cannot give a positive indication that that will be done next week, but I would hope so.

There will be divorce petitions, reports and resolutions to be dealt with.

The Special Committee on the Rules of the Senate will continue its examination of the rules, and it is expected that the Standing Committee on Banking and Commerce will have legislation to consider. I understand that the Special Committee on Science Policy will not be meeting next week.

I would propose that the Senate itself should not be in session in the chamber on Wednesday next but that we give the Special Committee on the Rules of the Senate an opportunity of sitting all that day and having a continuous run, something I think it deserves because of the very unusual effort made by its members to conclude its agenda.

In summary, we will meet on Tuesday, we will give Wednesday to the Standing Committee on the Rules of the Senate, and the Standing Committee on Banking and Commerce will likely meet at 9.30 that morning, but the house will not sit.

NATIONAL HEALTH AND WELFARE

STATUS OF MEDICAL RESEARCH COUNCIL—INQUIRY ANSWERED

Hon. Joseph A. Sullivan inquired of the Government, pursuant to notice:

1. Has there been a change in the Medical Research Council's virtually autonomous position because of the fact that it no longer reports through the National Research Council to the Minister of Industry, and is now under the authority of the Minister of National Health and Welfare?

2. Would future Medical Research Council heads be subordinate to a Deputy Minister of National Health and Welfare?

3. Would the Council and its advisory panels continue to exercise sole authority

over money granted for medical research?

4. Would men drawn from university and scientific institutions continue to make up the Council itself?

Hon. Paul Martin: The answer to the honourable senator's inquiry is as follows:

1. No.

2. It is not the intention of the Government that future heads of the Medical Research Council should be subordinate to a Deputy Minister of National Health and Welfare.

3. It is the intention of the Government that the Council continue to exercise authority over the award of funds voted by Parliament for the extra-mural program of the Medical Research Council.

4. The membership of the Medical Research Council will continue to be drawn primarily from senior scientists in Canadian universities and scientific institutions.

PRIVILEGE

CORRECTION OF NEWSPAPER REPORT

On the Orders of the Day:

Hon. Arthur W. Roebuck: Honourable senators, on the Orders of the Day may I call attention to a publication to which I take some objection. I think this is the first time in all my experience in Parliament that I have asked for the correction of a newspaper report. However, I cannot let this pass without having it recorded that I made no such statement as is attributed to me in the papers. It is a Canadian Press report, which I suppose went to all papers in Canada. I have seen it reproduced in two papers only, which I do not propose to mention because it is not their writing except the heading. One heading which I have before me reads:

> Senator labels land speculators new barbarians.

Of course, I said nothing of that kind. The other one reads:

> Roebuck says the land grabbers are barbarians.

The relevant portion of my address in this chamber is as follows:

> We can look back in history and understand that the civilization of Rome passed away not because of the attacks of its enemies—that was only the climax—but because the resources of Italy fell under the monopolization of the great landowners. The sturdy yeomen of the past who formed the legions of Rome passed away. They became the unemployed of the great cities, corrupted by bread and circuses, and the lands of Rome—in the words of Gibbon's *Decline and Fall of the Roman Empire*—became cultivated by gangs of slaves.

This is the most relevant portion:

> The barbarians who attacked Rome after this economic situation had developed in Rome have their counterparts today in the huns and vandals who are disrupting conditions in the cities to the south. So far we have escaped these troubles, but Canadian youth is in revolt against the lack of opportunities...

There is no justification whatsoever in that paragraph for the statement that I called land speculators barbarians. Not only so, but I would not use that kind of language. In so far as the speculators in lands are concerned, they are living in the world as we have made it and of course must abide according to the rules which we have laid down. I have no insults to throw at any of them.

Therefore, I want it clearly understood, in the *Hansard* of today, that I made no such statement, no such charges. Had I done so I would withdraw them and apologize.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. Paul Martin: Honourable senators, I would ask that Order No. 7 be brought forward forthwith. I understand it will not take much time. I do this, notwithstanding what I indicated yesterday evening would be the order of business, because of the desire to accommodate Senator Everett, who has a very urgent matter which requires his leaving the chamber on dealing with this question.

Hon. Senators: Agreed.

FARM CREDIT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Douglas D. Everett moved the second reading of Bill C-110, to amend the Farm Credit Act.

He said: Honourable senators, in discussing the proposed amendments to the Farm Credit Act, it might be wise to examine briefly the

operation of the present act. It replaced the original Canadian Farm Loan Act, which was required because of difficulty experienced by farm enterprises in Canada in obtaining long-term credit, both in the terms of obtaining it as a credit and in terms of its cost. As in the case of most other businesses, the farm business in Canada over the last few years has been replacing its labour by capital. Evidence of this is the fact that farmers have been enlarging a great deal the size of their enterprises. Between 1961 and 1966 farms with sales of under $5,000 have decreased 30 per cent, while in the same period farms with sales of over $10,000 have increased 90 per cent. Therefore, there is an ever-increasing need in the farming community for long-term capital. When one considers that prices have not been rising as quickly as expenses in farm operations, one can realize it is very difficult for the operations themselves to generate the additional capital required to enlarge the size of the undertaking.

The Farm Credit Act extends long-term credit to farmers for several reasons. Primarily, it is to enable them to purchase additional land to their present holding. It is also used to purchase entire farming units, to purchase fixed improvements which are added in the form of buildings et cetera, for debt consolidation, and for miscellaneous items such as the purchase of livestock and equipment. In 1967-68, roughly 50 per cent of the money paid out under the Farm Credit Act was used for the purchase of additional land; 14 per cent for the purchase of entirely new farm units; another 14 per cent for the purchase of fixed improvements; 17 per cent for debt consolidation; and 4.5 per cent for miscellaneous reasons.

Under the Farm Credit Act there are two types of loans. The ordinary loan is under Part II of the act and some 11,107 such loans were made in the year 1967-68. Those loans are available on 75 per cent of the appraised value of the land up to a maximum of $40,000 on a first mortgage over a maximum 30-year term. There are also loans under Part III which are meant to encourage young farmers to undertake the business of farming and, more specifically, to encourage fathers to pass their farming operations on to their sons. In 1967-68 some 847 loans were under Part III. Those loans are given only to farmers who are between the ages of 21 and 45, with five years' experience in farming and who propose to farm an economic farm unit. The loan is up to 75 per cent of the appraised value of both the land and the chattels on the farm. That loan can be to a maximum of $55,000 and, like Part II loans, it is a first mortgage for a maximum 30-year term. Because the loan is on both land and chattels as opposed to land only under Part II, and because the amount is $55,000 as opposed to $40,000, and because we are dealing with a young farmer, the corporation naturally wants additional protection. It gets that protection by having the young farmer submit a plan of operation approved by the corporation and by having him agree that he will accept the supervision of the officers of the corporation during the time that the loan is in excess of 75 per cent of the value of the land. In addition, the corporation requires that the value of the loan be covered by life insurance.

Honourable senators, the Farm Credit Act is administered by the Farm Credit Corporation. This corporation has a staff of 630 persons. Of that number, 265 members are field officers who operate out of 125 farm credit offices throughout the Dominion of Canada. Since its inception in 1959 under the Farm Credit Act, the Farm Credit Corporation has extended 75,000 loans for a total amount of $1.2 billion. Of that total, loan losses have amounted to $160,000 only, and as of the end of the year the amount left in reserve to cover loan losses is $1.5 million. At the end of the year the amount of arrears in payments is less than 7 per cent of the total outstanding loans. The administration costs of the corporation are .76 per cent—less than one per cent of the total outstanding loans of the corporation. When you compare that to a commercial operation you will see that the corporation's administrative costs are low.

The services provided by the Farm Credit Corporation are, of course, a normal mortgage business, but it is not a small mortgage business which the staff undertakes. In 1968 the corporation approved $263 million worth of loans, and it administered total outstanding loans of $915 million. In addition to the operation of a normal mortgage business, the corporation provides its own group life plan. It also provides advisory services to farmers, including a rather novel electronic farm accounting program which may have the effect of revolutionizing farm accounting in Canada. I might mention in passing that the group life plan and the advisory services, while they are mandatory in Part III loans, are also available to any borrower under Part II on request.

What are the shortcomings of the present Farm Credit Act? First, the Farm Credit Cor-

poration is losing money. In 1967 and 1968 it lost $3,800,000. It is losing money because the interest rate it charges on its loans, sufficient to cover the interest cost it is paying, is not sufficient to cover the interest cost plus the costs of operations which are increasing at a rapid rate.

Another shortcoming is that the loans at present have reached the ceiling. I am given to understand that as of the middle of November the corporation will have no money to lend unless these amendments are passed. Indians on reservations are unable to borrow money from the Farm Credit Corporation under the Farm Credit Act. There is no provision in the present act for a farming corporation. The act does have provision for what is called a family farm corporation, but that is a corporation whose shareholders are related. But it has been found in recent times that an individual farmer may want to ally himself with another individual farmer or farmers to create a corporation that will enable them to compete more efficiently with the large commercial farming enterprises that are now invading the agricultural sector. In the present situation, the moment those individuals incorporate they are unable to borrow money from the Farm Credit Corporation under the act. Additionally, the size of loans needs to be enlarged. Young people need to be encouraged to undertake farming as a livelihood. This is one of the main reasons for the Farm Credit Act, and in this respect I think that act has probably succeeded admirably. It is a fact that in 1967 and 1968, 34.9 per cent of the borrowings under the act were by people in the 21 to 34 age group, whereas in the 1966 census it is shown that that same group as a percentage of the total farm population is only 15.3 per cent. So it is a fact that the act has encouraged young people to take over their father's farm and undertake farming as an occupation. But, even so, more should be done to encourage this trend.

What are the amendments that are proposed? First, there are amendments which will increase the funds available to the corporation. The present capital of the corporation is $40 million. Under the terms of the Farm Credit Act the corporation is entitled to borrow 25 times its present capitalization. So the corporation is entitled to borrow $1 billion which, if added to its capital of $40 million, means that the corporation presently has $1,040 million available for lending. As I stated earlier, by the middle of this month the outstandings of the corporation will exceed that amount and the corporation will have to stop lending money. Therefore, it is proposed in this amendment that the capital be increased to $56 million. That will enable the corporation to borrow $1.4 billion from the Minister of Finance which, if added to the $56 million of capital, will mean that the corporation has available for lending $1,456 million.

Another series of amendments will change the interest provisions. At the present time there is an interest limitation of 5 per cent on loans up to $20,000 under Par II, and up to $27,500 under Part III. Over those amounts in the present act the excess interest rate is the cost of the money to the corporation, plus the corporation's expenses. The 5 per cent rate, in relation to rates being charged today, is an uneconomic one.

What are the difficulties of an uneconomic rate? First, if we have an uneconomic rate it tends to channel funds to the purchase of land that might otherwise not be channelled there. The result is inflation of land values which creates a cost that is probably greater than that caused by any increase in interest rate we would have to undertake. Secondly, such an uneconomic rate is a discriminatory subsidy when you consider that 25 per cent of the farmers take advantage of the Farm Credit Act and the other 75 per cent, therefore, are not enjoying that subsidy. Thirdly, the Farm Credit Corporation should stand on its own feet, and every attempt should be made to overcome the deficit of 1967-1968 of $3,800,000 which, if action is not taken, will grow this year. Therefore, the new rate proposed in the amendment is one to be prescribed by the Governor in Council; and the Minister of Agriculture has stated that that rate will not be more than 1 per cent over the borrowing rate of the Government. That should help, over a period of time, to overcome the deficit of the corporation, if you recall that its expenses do not exceed 0.76 per cent of the outstandings. I would just say that although it may worry people that there will be an increase in interest from 5 per cent on amounts under $20,000 and $27,500, I think any businessman would be pleased to have an arrangement in which he was assured 30-year money on the basis of 1 per cent over the net cost to the Government of Canada.

There are other amendments, honourable senators, which will enable farmers who incorporate to borrow from the Farm Credit Corporation under the act. As I have stated, under the present act those farmers are unable to borrow unless they have a family farm

corporation which is composed of shareholders who are related. Then they can only borrow under Part II of the act. Under the amendments it is proposed that a farm corporation, composed of shareholders who may not be related, could borrow under both Parts II and III of the act. So that large commercial enterprises will not be able to take advantage of the act, there will be a requirement that the principal shareholder of the farm corporation will be actively engaged in the business of farming, will be over 21 years of age, and will be the principal shareholder to the extent of more than 51 per cent of the shares of the corporation.

Other amendments increase the present limitations on the size of the loan. Under Part II the present limitation is $40,000. The amendment would provide that one farmer, under Part II, could borrow $40,000; two farmers operating jointly, $80,000; and three or more, $100,000. Under Part III the present limitation is $55,000. Under the amendment one farmer would be permitted to borrow $55,000; but two or more, operating jointly, would be able to borrow $100,000. These borrowings would be available not only to individuals as such, but to individuals who form themselves into either farming corporations or co-operatives.

There are other amendments that bring the Indians in farming reservations under the Farm Credit Act. As I have stated, at present they are not able to borrow from the corporation. The reason is that there is no provision for the mortgaging of Indian reservations. Therefore, this amendment proposes that the Farm Credit Corporation, through the Governor in Council, may enter into an agreement with the Minister of Indian Affairs and Northern Development, extending to Indians on reservations all the provisions of the Farm Credit Act as they relate to other persons, plus a special provision that, in effect, would permit Indian bands to be defined as co-operatives, allowing them to borrow up to $100,000.

Finally, there are a series of amendments which are designed to bring young people into farming and to encourage farmers to pass their farming operations down to their sons. Those amendments will be found in both Part III and Part II.

Part III deals with loans to younger people. The rule requiring experience of five years before anyone can borrow money under Part III would be removed and replaced by the provision that officials of the corporation would determine whether or not to lend money to the young farmer, based entirely on his experience, ability and character. You will recall that under Part III, in a farm corporation every member of that corporation has to be between the ages of 21 and 45 in order to enjoy the amounts available. This amendment would provide that one of the shareholders could be over the age of 45, if the principal shareholder is under the age of 35. You will also recall in Part III that the amount of the loan is limited to 75 per cent of the value of the land and chattels. The amendment would permit that limit to be increased to 90 per cent, if the corporation finds the applicant has a high degree of managerial skill. Honourable senators will also recall that under Part III life insurance is required on the full value of the loan. It is felt that this is unnecessary, and the cost rather onerous. Therefore, it is proposed to reduce the amount of the life insurance to the value of the chattels that are mortgaged.

Money borrowed under Part II for a loan to a relative can be used only for the acquisition of land. The amendment contained in this bill will permit that relative to use the money for the improvement of land as well. This bill will also permit a family farm corporation to borrow money from the Farm Credit Corporation for the redemption of its own shares, or for the lending of money to a shareholder to enable him to buy shares of the Corporation itself. The purpose of these last two amendments is purely and simply to enable young farmers to obtain funds in order to take over their fathers' farms. I should like also to mention in reference to these amendments that they are extremely attractive. We should encourage young farmers to stay on the land. We should encourage fathers to develop operations which can be passed on to their sons. In my view, it will be very difficult to argue against these particular amendments.

I wondered, when I looked at the amendments proposed to the Estate Tax Act and to the gift tax sections of the Income Tax Act, which struck me as making the passing on of a farm from generation to generation very difficult, whether the Government has realized that, on the one hand, it is saying it is encouraging a farmer to pass his farm on from generation to generation, and to see that it grows, and, on the other hand, it is erecting an almost insurmountable barrier against that in the form of gift taxes and estate taxes. I do not want to pursue that matter any further at this time, honourable senators, but it is a

question I propose to ask when the amendments to the Estate Tax Act and the Income Tax Act come before this house.

Honourable senators, I apologize for taking up so much of your time, but this is a complicated bill, and it was my thought that you would want a full explanation. The bill contains other amendments, but they are purely consequential upon the amendments I have explained.

Hon. Mr. Hollett: Honourable senators, I should like to ask the honourable sponsor of this bill a question. Why is there such concern over the lack of young men entering the farming business when that industry is already overproducing?

Hon. Mr. Everett: I can assure honourable senators that the problem that obtains today is the fact that we have in the farming area the large commercial corporation. If we do not provide some sort of incentive for young farmers to get into the farming business, then I think we shall find that the family farm corporation will disappear. The family farm corporation in its present size cannot exist. It will have to become almost as large as the commercial corporation. We have to make a decision as to whether we want our farms to be run by public corporations as commercial enterprises, or whether we want the concept of the family farm, but a larger family farm, to continue. Frankly, I opt for the enlarged family farm.

Hon. Mr. Aseltine: Honourable senators, I had intended participating in this debate today after the sponsor had completed his introduction of the bill, but I have been advised that the Whips would like the house to proceed with other business. In view of that, I move that this debate be adjourned until the next sitting of the Senate.

On motion of Honourable Mr. Aseltine, debate adjourned.

FARM IMPROVEMENT LOANS ACT

BILL TO AMEND—THIRD READING

Hon. A. Hamilton McDonald moved the third reading of Bill C-111, to amend the Farm Improvement Loans Act.

Motion agreed to and bill read third time and passed.

PRAIRIE GRAIN ADVANCE PAYMENTS ACT

BILL TO AMEND—THIRD READING

Hon. Herbert O. Sparrow moved the third reading of Bill C-113, to amend the Prairie Grain Advance Payments Act.

Motion agreed to and bill read third time and passed.

AERONAUTICS ACT

BILL TO AMEND—THIRD READING

Hon. Keith Laird move the third reading of Bill S-14, to amend the Aeronautics Act.

Motion agreed to and bill read third time and passed.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT FURTHER CONSIDERED IN COMMITTEE OF THE WHOLE

Pursuant to an order of the day, the Senate resumed from yesterday consideration of the third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, I call your attention to paragraph 1 of the report. Yesterday we had a general discussion. Are honourable senators now ready to deal with the subparagraphs one by one of the proposed new rule 78, subsection 1?

Hon. Senators: Agreed.

Hon. Muriel McQ. Fergusson: Honourable senators, I did not have the opportunity to speak yesterday and I should like to make a general contribution, unless the intention is to go directly to the report clause by clause.

Hon. Senators: Agreed.

Hon. Mrs. Fergusson: Honourable senators, I wish to congratulate Senator Molson and his committee on the work they have done. The Rules of the Senate need to be streamlined, and I know the committee is making a very good attempt to do that. I certainly agree with a great many of the recommendations they have brought before us, and I appreciate the time they have spent in meeting at very inconvenient hours. However, when I remember the years during which the Standing Committee on Divorce sat for five days a week, including Mondays and Fridays, and when I remember that the Joint Committee

on the Canada Pension Plan sat during a Christmas recess, although I appreciate what this Special Committee on the Rules has done, I think we should not overlook those other committees which also met at very inconvenient hours and worked hard and long at their tasks.

Like other honourable senators who have spoken before me, I find it hard to understand the lack of esteem the Senate of Canada receives from the Canadian public and the Canadian press. I have visited upper chambers in other countries, and I have never noticed a similar attitude taken there. There may be a reason why in other countries the attitude towards their upper chamber is different. As you know, there are different ways of appointing members to the upper chamber, and it may be that the system in other countries is better than ours. This is something we should consider. In any case, the senators in other countries seem to be much more highly regarded by both the public and the press.

I believe that an upper chamber is essential to good government, and that the Fathers of Confederation were very wise when they decided that the Government of Canada should be made up of the Monarch, an upper chamber called the Senate and a lower chamber called the House of Commons. Although at that time we followed the pattern of Britain, we should remember that Britain is not the only country which has an upper chamber. The United States of America and France have them. It may be remembered that both Britain and France have in the past abolished their upper chambers and then set them up again. The House of Lords in Britain was abolished by Cromwell and only four years later he said himself of the one-house Parliament that followed:

> It was the horridest arbitrariness that ever existed on earth.

France twice abolished her upper chamber but returned to the bicameral system in the belief, I understand, that having a one chamber legislature provided greater opportunity for revolutionists. Italy, Belgium, Ireland, Holland and Sweden have senates, as have most of the Commonwealth countries except New Zealand. Although New Zealand has abolished its upper chamber, I understand there is a great deal of discussion there as to the wisdom of re-establishing it.

The majority of countries that have only one chamber are not federal states, and are not made up of a number of provinces, as Canada is. They are unitary states in which one government controls everything throughout the country.

Many honourable senators probably know from my attitude in the past that I believe Canadian women receive from the Canadian public and press a similar lack of proper recognition. If I were the only one in Canada who believes this, we would not now have a Royal Commission on the Status of Women, which has travelled throughout the country, made a study of this subject and will, we hope, be making a report in 1969.

Many of us older Canadian women in public life, when speaking to younger women have advised them—

Hon. Mr. Martin: You are certainly not one of the older women.

Hon. Mrs. Fergusson: The honourable senator is very kind, but I really feel I am.

When we speak to younger women we advise them that the way to overcome the present prevalent attitude of the public is not to complain about it but to work hard, to make the public and the press realize that their attitude is often wrong. We urge them to do things of interest so that the public and the press will be aware of our activities, and the reports of what we are doing will reach the front pages of the papers rather than be assigned to the women's pages covering the parties and social events. This is where most of the reports of our activities appear in the press today.

When talking to these young and often very frustrated women one bit of advice I have frequently given is that to succeed in this man-orientated world a woman must look like a girl, act like a lady, think like a man and work like a beaver. I think the spirit of that advice might be applied to the Senate. If the Senate is to receive the proper recognition to which it is entitled, senators must have a youthful point of view, they must not be too bound by custom or tradition; they should act in a dignified manner, as becomes members of an upper chamber, and not lower our prestige through debates on merely a partisan level. I think honourable senators should think as they did when they were carrying on whatever business or profession occupied them prior to their appointment, for they must have conducted themselves in such a way as to have made people recognize them as men and women possessing a great deal of intelligence and ability.

The last bit of advice which I gave to the young women—to work like beavers—is per-

haps the one we should think of most seriously. Certainly the public and the press do not have the impression that we work very hard, despite our repeated protests in this chamber that we do. I doubt if working from Tuesday to Thursday would ever be considered by either public or press as working like beavers.

Like Senator Roebuck, I did not realize that the report of the Special Committee on Rules of the Senate was appended to the Senate *Hansard* of October 31. The first time I saw it was Tuesday afternoon. I regret that I have not been able to give it an adequate study since I first saw it yesterday. I probably will want to make some comment on various clauses when the report is being discussed clause by clause, but I would like to make a general comment regarding paragraph 4 which does away with standing rules from 133 to 152. These rules have been set up with great care and they have operated very successfully.

At the present time we do not know what will be the result of the new Divorce Act. It is still possible for persons to petition for a bill of divorce from Parliament and we may have many such petitions; on the other hand, we may have none. However, we do not know that we will have none, and in case we do have many petitions I cannot see why we should throw away existing rules which have governed us in the past, and operate in a vacuum.

I remember very well that no rules were set up to cover appeals at the time the Dissolution and Annulment of Marriages Act was passed. I remember also that when the first appeal was received, for I was on the subcommittee that sat in appeal to deal with it, and there was much confusion as to what the proper procedure would be. No rules had been set up and a formula had to be worked out. We now have a formula under which we can operate when we receive a petition for a bill on divorce. If it should turn out after some years of experience that we do not receive any such applications, then I think it might be time enough to abolish these rules. At the present time I am very much opposed to abolishing Standing Rules 133 to 152.

The Chairman: Are honourable senators ready to proceed to a detailed discussion on the various policies?

Hon. Senators: Agreed.

The Chairman: Does subparagraph 1 dealing with the Joint Committee of the Library of Parliament carry?

Hon. Senators: Carried.

Hon. Mr. Martin: Mr. Chairman, I should like to ask the honourable senator if it is clear now that all these joint committees mentioned in subclause 1 are in fact going to be joint committees. Is it agreed in the other place that these committees are going to be set up?

Hon. Mr. Molson: Mr. Chairman, I have been informed that the House of Commons either have appointed their members to each of these first three committees or is in the process of doing so, and that they intend to continue the existence of their part of these committees. Under those circumstances I do not see how the Senate has any option but to appoint its members to these committees.

The Chairman: Shall the item carry?

Hon. Senators: Carried.

The Chairman: Does subparagraph 2, the Joint Committee on the Printing of Parliament, carry?

Hon. Mr. Grosart: I would like to ask the sponsor of the report whether that committee will have responsibility for debates and reporting. If not, what committee will consider any question arising out of a matter concerned with debates and reporting?

Hon. Mr. Molson: I am not sure, Mr. Chairman, how frequently we have ever had matters on debates and reporting referred to a committee. It has been a rare exercise. That committee in the past has been inactive. I would suggest that, should any specific problem in connection with that subject come up, it should then be referred, by a decision of the Senate, to whichever committee the Senate may choose. I would suggest, for example, it should go to the Committee on Standing Rules and Orders.

The Chairman: Does subparagraph 2 carry?

Hon. Senators: Carried.

The Chairman: Does subparagraph 3, dealing with the Joint Committee on the Restaurant of Parliament, carry?

Hon. Mr. Roebuck: Mr. Chairman, this may be a little irrelevant. I would like to see some method taken of disposing of those horrible pictures which hang in the restaurant. They are drab, uninteresting and, I think, disgraceful. There is not a single good picture in the whole lot. They are supposed to come from

the National Gallery, where there are very many excellent pictures which cost much money to purchase and to maintain. Yet the National Gallery sends over stuff of which nobody knows the meaning. It is not even colourful; it has no perspective in it or, if it has, it is that of a boy in his first year in art school. It is disgraceful to have those pictures hanging there. Our visitors and guests must wonder what kind of people we are to have our walls decorated in that fashion.

Hon. Mr. Molson: May I suggest that Senator Roebuck might wish to refer that item to the committee we are now discussing, the Joint Committee on the Restaurant.

Hon. Mr. Grosart: Mr. Chairman, with great reluctance I must disassociate myself from the views expressed by Senator Roebuck. I have the same difficulty in comprehending the artistic merit of many of those paintings. However, as he said, they do come from the National Gallery. I know that Senator Roebuck is, in his own right, a painter and a good one, and I can understand the difficulty he has in appreciating some of those pictures which he says appear to have little or no perspective. On the other hand, I would not like the impression to get abroad that every one in the Senate regards it as a disgrace to hang those pictures. Personally, although I have difficulty in comprehending them, I do try very hard to keep up with our current culture in painting as well as in the arts generally.

Hon. Mr. Roebuck: Mr. Chairman, let me withdraw the word "disgrace". That phraseology was probably too strong. But my other comments stand.

Take one such picture as hangs on one of the walls and let me say something about it as an illustration of the kind of pictures that are being hung there. You will find the colour of the water close to the front of the picture is exactly the same as the colour of the water as far away as you can see. You will find no suggestion of sunlight in the picture. Furthermore, any scientist knows that the horizon rises and falls always with the level of your eyes, as a result of the curvature of the world; yet the one who painted that picture would have had to be in a balloon to see that scene. That is just one picture. I could go around the restaurant wall and comment as destructively as I do of that picture.

Hon. Norman A. MacKenzie: Mr. Chairman, I had not intended to speak, but I feel I must rise in defence of that picture, because it is painted by a British Columbia painter. I do not know whether Senator Roebuck is as familiar with that part of the world as I am, but I do know that practically everyone we take to the restaurant and who sees that picture, admires it. I also know that the artist is one of the most expensive in the country, in terms of the prices his paintings bring. When I was interested, some years ago, in making a purchase for a friend, I found it could be done only through an agent in Montreal. There were none of this artist's paintings available in British Columbia.

Incidentally, I wish Senator Nichol were here, as the painting Senator Roebuck is talking about was painted from the beach on Savery Island where he has his summer home, and he has spoken of this picture with appreciation.

I am not an artist and I have no claim to being a critic or an accurate appraiser of art. But art is a very delicate field into which to wander, because there are as many opinions about art as there are artists and, by and large, as there are human beings. I feel that it is wise for the amateur to stay out of this area of often bitter controversy.

Hon. Mr. Lamontagne: Mr. Chairman, I merely wish to point out that the difference between Senator Roebuck and Senator Grosart is that Senator Roebuck is a painter and a creator, while Senator Grosart is a critic and an investor.

The Chairman: Does subparagraph 4, dealing with the Joint Committee of the Restaurant of Parliament, carry?

Hon. Senators: Carried.

The Chairman: Does subparagraph 6, dealing with the Committee on International Affairs, carry?

Hon. Paul Martin: Mr. Chairman, I would like to make a suggestion to the committee, through its chairman. We now have a committee on external affairs. In the other place, in the restructuring of its committee system, provision for a new title of their committee has been made. It is being called the Committee on External Affairs and Defence. I am suggesting that it might be of value if we were to call our committee the Senate Committee on Foreign Affairs. This would not preclude that committee from dealing with such matters as are comprised in subclause 6—immigration, external trade or foreign aid.

These could be included in the way in which they are included in subclause 6.

The phrase "foreign affairs" is one with which we will, I think, become more officially cognizant as months go on. I do not want to say any more than that. I believe that will be the case. Most foreign ministers in the western world bear the title "Secretary of State for Foreign Affairs." Every one of the foreign ministers in NATO, for instance, is designated as Minister for Foreign Affairs. In the United Kingdom the Foreign Minister bears the title "Secretary of State for Foreign Affairs and Commonwealth Affairs." We could not possibly have the adjunct "and Commonwealth Affairs" because we do not have any such department. The Commonwealth affairs designation in the case of the United Kingdom largely incorporates responsibility for colonial matters. I believe that the suggestion to call our committee the Senate Committee on Foreign Affairs would prove to be timely and consistent with what I think will be a growing tradition in our country.

I will say no more on that aspect of the problem. I make that suggestion and I ask the chairman of the committee to take these observations into account when the committee resumes its sessions.

Hon. Mr. Molson: Mr. Chairman, I think the Senate must take the honourable leader's observations into account. The committee has dealt with this matter at some considerable length. There was considerable discussion over the name "foreign affairs", and I think it was well regarded by a good many members. On balance, however, they chose the name "international affairs", and this became a part of their recommendations contained in this report. At this stage I would suggest that the decision is for the Senate, in that the report is before you and part of it is in the name of that committee as shown in No. 6. I would suggest that the decision should be taken here.

Hon. Mr. McDonald: Mr. Chairman, when the members of the committee were trying to determine what title this committee should have, they were not aware of some of the things that the house leader has said to us today. In view of what he has said to us we should give consideration to changing the name to "foreign affairs." That title is recognized throughout the world. In all probability, therefore, it would give more significance to our committee were we to adopt that name.

If the name were changed from "international affairs" to "foreign affairs", I see no reason why we could not continue to include Roman numerals (i) to (vi) as the responsibilities of that committee. I for one, in view of the information just given to us, would be in favour of adopting the name "foreign affairs".

Hon. Mr. Grosart: Mr. Chairman, my inclination is to support the Leader of the Government in his suggestion. Although, obviously, he could not say so, I may say that there is a rather strong rumour going the rounds of the corridors that the present Department of External Affairs will shortly seek to change its name to the Department of Foreign Affairs.

Hon. Mr. Martin: Would my friend permit me to intervene? I hope it will not be construed that I as a member of the Government had indicated that to be the case.

Hon. Mr. Grosart: I thought I was being careful.

Hon. Mr. Martin: You were being very careful and very decent.

Hon. Mr. Grosart: I shall be ultra-careful and say that the rumour, so far as I know, was not circulated by or passed on by any member of the Government. I just heard the rumour in the corridor.

Of course, we all know how our committee came to be called the Committee on External Relations. Actually, the committee in the House of Commons was known as the Committee on External Affairs and there was a suggestion at one time that the word "affairs" was not quite an appropriate association for a Senate committee.

Some hon. Senators: Hear, hear.

Hon. Mr. Grosart: The background of the Committee on External Relations comes from the days when we had a particular relationship with other countries in the Commonwealth, at which time it was felt that that relationship would not properly be expressed by the word "foreign". That situation has gone now. The committee has recommended that a change be made from "external relations" to "international affairs". Personally, I would support the change to "foreign affairs".

May I call attention to one or two other matters as well, Mr. Chairman. The word "Treaties", in subsection (i) seems rather vague to me. It might better be expressed as "international agreements", because treaties

technically do not include such things as conventions. Under (iii) we have "Foreign Aid". But today foreign aid is not the designated name. Our Department of External Aid is now the Canadian International Development Agency.

Hon. Mr. Martin: Yes; that is right.

Hon. Mr. Grosart: That change might well be incorporated here to bring us in line with the official nomenclature. Furthermore, I think there must be a typographical error in subsection (vi). I would suggest to the chairman of the committee that it should read "Territorial and Offshore Waters". It should not read "Territorial and Offshore Matters".

Hon. Mr. Molson: May I remark at this stage, Mr. Chairman, that we started out with matters of territorial and offshore waters, but there was also the question of boundaries and other areas that came into the picture and it was felt that "waters" ceased to be a sufficiently wide term, and the word "matters" was substituted therefor. If you want a precise but rather long title, perhaps you could have it read, "Matters Relating to Territories and Offshore Areas". That does seem cumbersome, however.

Hon. Mr. Grosart: Well, it looked like an error to me. In fact, it seemed obvious that "matters" should be "waters", because territorial matters would take in anything having to do with the territory of Canada. It does seem inexplicit. Here we are changing the rules in order to make them as explicit as possible, and yet we have this inexplicit terminology.

Hon. Mr. Molson: This is underlining the offshore aspect, which is the problem that is likely to arise.

Hon. Mr. Martin: It would, for instance, include the continental shelf.

Hon. Mr. Molson: Yes, the continental shelf.

Hon. Mr. Grosart: I am fully aware of that. In fact, some provinces claim and some international lawyers say that the continental shelf is still land, not "waters". I am fully aware of that. But I reiterate that if you read that subsection with any normal English interpretation—and I am not going to suggest what might be substituted for it—the meaning that will be taken from it will surely be that somehow a stenographer misheard "waters" for "matters".

Perhaps the committee might take that under consideration. I will not discuss what might be done. I say merely that here it is rather inexplicit and even clumsy language. Without moving an amendment, I will merely leave that to the committee to discuss. Perhaps they might pass it now and later wish to change it. The question is whether we draft these things explicitly or not. For example, I can refer back to item (i), "Treaties". That is not too explicit a word because if it was "international agreements" it would take in international agreements and conventions, and those are not treaties. It is a very important consideration for those who are interested in this particular aspect of our international relations.

Again, Mr. Chairman, I am quite prepared to leave it with the committee.

Hon. Mr. Martin: Would you mind repeating the title of (iii)—Foreign Aid. You gave the right title, but I missed one word.

Hon. Mr. Grosart: The new department is now called the Canadian International Development Agency—CIDA.

Hon. Mr. Cameron: Mr. Chairman, I was interested in the explanation of the chairman of the committee with respect to the title—the Committee on International Affairs. I do not have any serious quarrel with that, but I must confess that my own preference is for a committee on "Foreign Affairs". I think it is more in keeping with present usage, and it is also a little shorter. Therefore as a matter of personal preference I would like to substitute the words "Foreign Affairs" for "International Affairs". I do not know what the procedure is with respect to making a change in this or whether it is simply that the committee will take note of the suggestions made.

Hon. Mr. Roebuck: Mr. Chairman, I am impressed with the desirability of changing the name from "International Affairs" to "Foreign Affairs" for this reason: "International" connotes affairs as between nations, while "Foreign" is a much wider term. That term would take in such matters as sending relief to some place, quite irrespective of any international relations that might exist as between ourselves and that country. The use of the term "International Affairs" would usually mean as between two nations, ourselves and somebody else; perhaps between England and France, whereas we might want to deal with either one. I think "Foreign Affairs" is much better literally than "International Affairs".

Another point with which I wish to deal while I am speaking on this section is concerned with immigration. Immigration is a foreign affair only when you are dealing with the immigrant abroad, or making some regulation with regard to the class of immigrants we might accept, while the greater part of our problem with regard to immigrants is local, not foreign at all. The foreign part of it is taken care of in an Act of Parliament, and the local part is taken care of in the administration of affairs when the immigrant arrives. The second part is very much more important. Therefore, I would suggest that further consideration be given by the committee. A division of the thought—and I cannot phrase it at the moment—should be considered so that you would have only that portion of the immigration problem which applies to the admission of immigrants or their selection dealt with under Foreign Affairs, and the balance of the immigration problem dealt with under No. 11 as Welfare.

Hon. Mr. Lamontagne: Health and Welfare.

Hon. Mr. Roebuck: Health and Welfare, but chiefly Welfare. We will come to that section a little later. However, I am quite certain the committee can devise the language necessary to restrict that part which is foreign in immigration to the Foreign Affairs Committee and that part which is really Welfare,—the more important part—to No. 11, the Committee on Welfare.

Hon. Mr. Phillips (Rigaud): Mr. Chairman, with regard to the proposed change of name to "Foreign Affairs", I for one, although a member of the committee that dealt with the subject matter and as a member of the committee now sitting, have no objection to the name of the committee being changed. But I should like to address myself more specifically to the question of subheadings which we have included in the proposed jurisdiction, as it were, of the committee; and I should like to draw the attention of honourable senators to this fact which applies not only to paragraph 6, but also with respect to all committees with which we will deal later.

Paragraph 6 commences by saying that the committee, by whatever name we call it, will deal with "matters relating to foreign and Commonwealth relations generally, including"—and then we go down to treaties and so on, and then we reach Immigration. It is obvious that what we have in mind there, and I say this with due respect to Senator Roebuck, is that the reference to the committee in respect of Immigration would have to be of a subject the nature of which was connected with foreign relations generally. We are not attempting to interest ourselves in the subject or deal with the status of an immigrant when he comes to Canada.

All the references to committees must be read in the light of the preceding observation. They should be related generally to the proposed name of the committee and then, having referred to it in general terms, we say "including". Now I would suggest, with respect, that the phraseology indicates that the specified items must be related to foreign affairs generally so far as paragraph 6 is concerned. For that reason it is not necessary to break down the subject matter of Immigration to that of Immigration under one heading, No. 6, and then have another dealing with matters relating to the immigrant after he comes to Canada.

Hon. Mr. Roebuck: But would not the one be "emigrants" and the other "emigration"? There is a distinction between them.

Hon. Mr. Choquette: That would be "immigration", not "emigration".

Hon. Mr. Roebuck: Well, I may have pronounced it wrongly. But immigration would apply to those who are coming into this country, while immigrants would refer to them after they are here.

Hon. Mr. Phillips (Rigaud): The authority to deal with the subject matter of Immigration under Foreign Affairs is only related to that aspect of immigration before the immigrant comes into this country. I am pointing out that the specific details in respect of each and every heading here does not reduce the generality of the introductory statement.

Hon. Mr. Molson: Mr. Chairman, Senator Phillips (Rigaud) has just touched on a point which I had intended to deal with and omitted to do so. The way these committees are set out is completely new for the Senate. In the past we had a list of committees, and matters were referred to a committee as seemed suitable at the moment. In this instance we do not have a list of names of committees; we have committees to which shall be referred matters relating to certain subjects. This makes quite a difference because, for one thing, it reduces to some extent the importance of the name, in that the name does not attempt to include the nature of every subject that might be

referred to that committee. It takes the emphasis off the name and places some emphasis on the general nature of the matters which should be referred to it. This is a complete change for us.

I would just like to say that as far as the name of the committee is concerned, if it is the wish of the Senate to make it "Foreign Affairs", I would suggest that a motion be moved to that effect. I have no quarrel with calling treaties "International Agreements". I do not see any merit in taking out "Foreign Aid", because I do not care what they call a department of Government if it has no bearing on the subject matter. We are talking about foreign aid, and I do not know of any term that would be any simpler or all-embracing than "Foreign Aid". This relates to our giving assistance outside of Canada. However, I agree with the suggestion of Senator Grosart that perhaps "International Agreements" would be better than "Treaties".

Hon. Mr. Roebuck: Put them both in—"Treaties and International Agreements."

Hon. Mr. Molson: Perhaps we could move that it be amended to read "Treaties and International Agreements". Then, if it is desired to move that the name be "Foreign Affairs", I suggest this be put to the Chair.

Hon. Mr. Martin: Honourable senators, I thank Senator Molson for suggesting how to give effect to the suggestion I made. I would move that the words—

Hon. Mr. Lamontagne: Before the motion is put, what about the consideration of the proposal made by Senator Roebuck, to assign immigration, in general, to this other committee?

Hon. Mr. Molson: Mr. Chairman, I do not think he did make that suggestion. He suggested that it be split, that the internal aspect of immigration go to one committee, and that the external aspect go to another.

In discussing this subject at some considerable length, your committee was of opinion—and perhaps not correctly—that, because there was a large element of relationships abroad in dealing with the matter of immigration, this was the best committee of the six that we have for dealing with the subject generally. But I would remind you that the Senate is always master of its own rules and procedures, and if a matter was obviously one dealing with landed immigrants and was a domestic matter that seemed unsuitable to send to this committee, it would be, on motion, sent to the committee dealing with Health and Welfare or Social Matters or whichever committee seemed appropriate—perhaps Legal and Constitutional.

I would call your attention to the top of page 3, where it states:

> Any bill, message, petition...which does not fall within the subject matters assigned to a Standing Committee...shall be referred...to any Standing Committee, Special Committee, Joint Committee, or to the Committee of the Whole.

It is even implied there.

Hon. Mr. Martin: Honourable senators, I move that the words "The Committee on International Affairs," in line 1 of subclause 6, be deleted, and that there be substituted therefor the words, "The Senate Committee on Foreign Affairs".

Hon. Mr. Grosart: I second the motion.

Hon. Mr. Carter: Should it not be, "The Committee on Foreign Affairs"?

Hon. Mr. Martin: No—"The Senate Committee on Foreign Affairs".

Hon. Mr. Choquette: But they are all Senate committees.

Hon. Mr. Martin: I am suggesting that the title be, "The Senate Committee on Foreign Affairs".

The Chairman: Honourable senators, it has been moved by Senator Martin, seconded by Senator Grosart that—

Hon. Mr. Smith (Queens-Shelburne): Mr. Chairman, before the motion is put, I am perhaps one of the very few who cannot quite see how we are improving this very fine report of the special committee by changing the names of the committees. I think we should stop this practice before we perpetrate a wholesale slaughter of this excellent report for what appear to me to be unimportant reasons.

The reason this subject was referred to the special committee, which has worked assiduously and conscientiously, in my view, was to remove from the list of committees that have appeared in this little red book for a great many years the names and apparent functions—and they were mostly apparent—of a long list of committees that had not met for many years and that were, in effect, completely redundant. That has been done.

The other reason for the committee acting was to effect some condensation of the committees which had been previously set up, and, in the course of their work, to allocate in rather specific fashion, but with enough generality to cover the situation so that it will be self-evident from this time on, if we adopt a report of this nature, that if a bill is being considered before this house there will no longer be the screaming that has occurred ever since I have been here, "Why not send it to some other committee—everything goes to the Banking and Commerce Committee?"

The core and the most important part of this whole report is being overlooked. I think that in giving our attention at some length to the titles of this new committee structure—which, to my mind, is the least important aspect of our considerations—we are losing sight of the work that has been done and the intentions of the Senate that have been carried out so well by this special committee.

So that I will not be accused of taking too long in talking about small subjects, I will just state that I may be one of few opposed to changing the name of the Committee on International Affairs to something else. I believe Senator Grosart suggested he had an inkling that the Department of External Affairs would be known by some other name in the future, perhaps the Department of Foreign Affairs. I do not think that is any reason why we should change the title. It still does not make sense to me to change it when I read on down in subclause 6, which commences with the words, "The Committee on International Affairs," because the final sentence in that paragraph reads:

> And other matters relating to foreign and Commonwealth relations generally,...

And then they are specified.

I think there is a great number of people in this country who do not want to assume that by any formal action a great many or even some of the Commonwealth countries should be put in exactly the same basket as all other foreign countries. We do not treat Commonwealth countries, or all of them, the same way as we treat foreign countries which are in a completely different category. For example, when people from Great Britain, Australia, New Zealand and some other Commonwealth countries come to this country, they do not have to be Canadian citizens, as I understand it, in order to be able to be elected members of the House of Commons. So, when we are talking about foreign countries I do not think we should put Great Britain in that category; neither do I think we should put the other Commonwealth countries, such as Australia and New Zealand, in that category. As long as there is a Commonwealth, I would like to perpetuate some reference to it, to underline the fact that there is a distinction in the minds of those of us who sit here as between what we all understand, in the back of our minds, is the meaning of "foreign" countries and "Commonwealth" countries.

The title, "The Committee on International Affairs" is a general one and it covers my grievance. Personally, I would be pleased if we just left it as it is.

I make the same remark I made at the begining. I think we are spending too much time on titles, and are losing sight of the great improvement there will be in the functioning of the Senate in the future.

Hon. Mr. Martin: I should like to make it clear that I agree with the philosophy behind what Senator Smith (Queens-Shelburne) has just said. No one is suggesting for one moment that we are designating any Commonwealth country as a foreign country. This is made clear in the phraseology of paragraph 6. Senator Phillips (Rigaud) has pointed out that these matters relate to foreign and Commonwealth relations. A distinction is made between a Commonwealth country, and a country which is not a Commonwealth country or a country outside the Commonwealth. We are not taking any step that has not been already taken by a number of Commonwealth countries, including the United Kingdom, which has a Secretary of State for Foreign Affairs.

I want to make it clear that we are not using the phrase "foreign affairs" to indicate a departure from the tradition of the appellation we have extended to Commonwealth countries. The phrase "foreign affairs" is a general term, as is the phrase "international affairs".

Hon. Mr. Grosart: Mr. Chairman, as one who has made some suggestions for minor changes, I would have to take exception to Senator Smith's (Queens-Shelburne) phrase "wholesale slaughter." He suggested that by these amendments we were engaging in wholesale slaughter.

Every one who has risen to speak on these amendments has paid tribute to the committee, and I do not think any of us are losing sight of the overall importance of the work

that has been done. I would not like to see go without contradiction the suggestion that I or anybody else in suggesting possible improvements mean, in any way, an offence to the committee. I would point out to Senator Smith (Queens-Shelburne) that if he feels as strongly as he does about retaining the title "International Affairs" rather than "Foreign Affairs", he will have to be the first to suggest that the phrase "foreign aid" be amended, because it so happens that the bulk of our so-called foreign aid goes to Commonwealth countries.

I cite these matters to indicate to Senator Smith (Queens-Shelburne) that the fact that we suggest some changes is not meant as an offence to the committee. Indeed, if we are not going to suggest changes when we think them applicable, then this whole exercise of yesterday and today in Committee of the Whole is useless.

I share with Senator Smith (Queens-Shelburne) his belief in the Commonwealth. I am a Commonwealth man. I happen to be the vice-chairman of the Canadian Branch of the Commonwealth Parliamentary Association, and if I saw any offence whatsoever to any Commonwealth country in the change of name proposed by Senator Martin, I would oppose it as strongly as I could.

Hon. Mr. Martin: Hear, hear. So would I.

Hon. Mr. Grosart: I think there is no offence. In seconding Senator Martin's motion, I had in mind the very fact to which he has drawn attention, that this brings us into line with the customs of other countries whose affection for, and connection with, the Commonwealth is every bit as great as ours. If that were not the case, I would support immediately the objection taken by Senator Smith (Queens-Shelburne).

Hon. Mr. Smith (Queens-Shelburne): Mr. Chairman, may I have the privilege of saying to my friend Senator Grosart, that if it will make him feel better I will withdraw the phrase "wholesale slaughter" and substitute for it the phrase "retail slaughter".

Hon. Mr. Roebuck: Mr. Chairman, with regard to the place of the committee and its relationship to this chamber, I would point out that when we refer a matter to a committee this chamber does not surrender its right to think on the same subject. When a committee comes before this house with a recommendation it must be prepared—and I am sure that this committee is prepared—to support its recommendations. As soon as such a matter is on the floor of the house it is in a state of flux, and every senator has the same right to think it out and to be as satisfied as the members of the committee themselves.

I have expressed my appreciation of this committee. I hold it in great respect, but I have not abdicated my right to think, or left my thinking entirely to somebody else. In so far as there is confusion between "foreign affairs" and "Commonwealth relations" I would point to the phraseology of the first and governing sentence which reads, in part:

> —and other matters relating to foreign and Commonwealth relations generally—

There cannot be any confusion at all in the minds of the people who will read this in the future but that those matters are separate, or that we had in our minds any hodgepodge of the two.

Hon. Mr. Kinley: Mr. Chairman, I have been listening to the explanations of the difference between "international" and "foreign". I think we know what "international affairs" means. It refers to arrangements between our country and another country. But, when I come to the phrase "foreign affairs" I am not so sure that I know what it means. For instance, foreign aid is our own concern. We decide what foreign aid we give. It may be that "international" is a better word but I am not sure, and I am inclined to leave it to the experts here to say.

Subparagraph (vi) is "Territorial and Offshore Matters". In paragraph 8, which I did not see yesterday because this document came to us rather late, there is "Navigation, shipping, and navigable waters". It seems to me that those two terms are almost synonymous.

Hon. Mr. Choquette: No; it is "matters". We discussed that. It is "matters", not "waters".

Hon. Mr. Kinley: It is "Territorial and Offshore Matters". Well, does it make much difference? Offshore matters would include navigation, communications, and things of that kind, and then we have "Navigation, shipping, and navigable waters". Offshore matters are a little different, but at the same time I think that "Territorial and Offshore Matters" could very well be included in "Navigation, shipping, and navigable waters". To me the things are synonymous. "Navigable waters" and "shipping" seem to overlap.

Hon. Mr. Molson: Mr. Chairman, may I point out to Senator Kinley that these are two

completely unrelated matters. Shipping and transportation within territorial or offshore waters would not be a matter for this committee. This is a committee on international affairs which will deal with relations with other countries beyond the land boundaries of this country. When we come to transportation in any form, which might be in those waters, it would be considered by the Committee on Transport and Communications.

Hon. Mr. McDonald: Agreed. Question.

Hon. Mr. Kinley: But they are all navigable waters.

Hon. Mr. Paterson: That is a wrong attitude towards it.

The Chairman: Honourable senators, it is moved by the honourable Senator Martin, seconded by the honourable Senator Grosart, that the words "The Committee on International Affairs" in line one of subparagraph 6 be deleted and there be substituted therefor the words, "The Senate Committee on Foreign Affairs". Is it your pleasure to adopt the said amendment? Those in favour, please say Yea.

Some Hon. Senators: Yea.

The Chairman: Those against please say Nay.

Some Hon. Senators: Nay.

The Chairman: It is my opinion the Yeas have it.

Hon. Mr. Aseltine: I think we had better have a vote on it.

Hon. Mr. Smith (Queens-Shelburne): It is not that important.

The Chairman: If honourable senators wish to vote, would six of them stand up and we will record the vote—

Hon. Mr. Molson: Mr. Chairman, I move that we report progress and ask leave to sit again.

Hon. Mr. Martin: We have not finished this vote. I do not think we can have a motion while a vote is in progress.

Hon. Mr. Smith (Queens-Shelburne): A vote has been taken.

Hon. Mr. Martin: Then I am slow.

The Chairman: Shall subparagraph 6, as amended, carry?

Hon. Senators: Carried.

The Chairman: Subparagraph 6 is carried on division.

Hon. Mrs. Fergusson: May I ask a question before that is carried?

The Chairman: It has been carried.

Hon. Mrs. Fergusson: I tried to catch your attention before.

Hon. Mr. Martin: Although it has been carried, Mr. Chairman do you not think we ought to be chivalrous enough to allow the honourable senator to ask her question?

Hon. Mrs. Fergusson: On a question of privilege.

Hon. Mr. Martin: There should be some chivalry though.

Hon. Mr. Molson: I am sorry, Senator Fergusson, but I wanted to say that I move that we report progress after the title of that Committee. I would rather have more members of the committee here for the discussion on the other items, if that is agreeable to the Senate, and perhaps more senators here when we continue.

Hon. Mr. McDonald: Shall we leave it in committee on this section?

Hon. Mr. Molson: Yes.

Hon. Mr. McDonald: Mr. Chairman, I wonder whether it is definitely understood that the title of sub paragraph 6 has been changed but the balance of this section is before the committee and will remain before the committee at our next sitting.

Hon. Senators: Agreed.

The Chairman: It has been moved by the honourable Senator Molson, seconded by the honourable Senator Roebuck, that the Chairman do report progress and ask leave to sit again. Is that agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee have leave to sit again?

Hon. Mr. Langlois: At the next sitting.

The Hon. the Speaker: It is moved by the honourable Senator Langlois, seconded by the honourable Senator Cameron, that the Committee have leave to sit again at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Tuesday, November 5, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Donald Cameron: Honourable senators, I welcome the opportunity to participate in this discussion. It seems that this topic of poverty is receiving more and more attention day by day in the press, on the radio and in public speeches, so that Senator Croll was very much on the wave of the times when he suggested that we have a full discussion on the subject.

I will begin by defining the meaning of the term "poverty" and then go on to relate poverty to a special aspect of living conditions affecting between 25 per cent and 30 per cent of our population.

It has been stated that in the period between 1961—the last census—and 1980, the urban share of Canada's national total population is expected to rise from 70 per cent to over 80 per cent. This shift in population will be more pronounced in the big cities with the result that, by 1980, 60 per cent of all Canadians will live and work in some 29 major city complexes. This projected increase in the urban population by 1980 would be a very severe strain on the major cities, even if they were models of efficiency and attractiveness, which they are not.

I do not propose to go into the various factors which today are making it impossible for 25 per cent of our population to enjoy decent housing, but the factors that go to make up this complex problem are: a current deficiency of housing; traffic and transportation problems; pollution, decaying neighbourhoods, poverty, social disturbances, tax loads, and the frustrations of conflicting areas of jurisdiction between provincial, federal and municipal governments. These problems are compounded by an anticipated urban growth rate of 4 per cent per annum.

It is projected that we will need to build 750,000 new homes in the next four years, and this growth rate will have to continue beyond 1970, probably until 1980. In the same period of time urban renewal and public housing activity will require accelerated action to prevent the economic and social costs of poor housing and urban decay from mounting very sharply and offsetting the net gain from new housing.

It seems to me that there is something radically wrong with our scheme of values when over 50 per cent of our wage earners do not earn enough money to be able to qualify for a National Housing Act loan. Surely we should take a look at the road blocks that are in the way of making it possible for so many of our lower-income people to own their own homes. But in this discussion today I do not want to get into that phase of the argument. I want to deal briefly with the enormous hidden costs to our society of the prevalance of poverty in the midst of affluence. I intend to stick fairly closely to my notes because I shall be quoting many people and some statistics.

It is for this reason I want to examine what we mean when we talk about poverty, and to try to translate that meaning into real flesh and blood terms.

Poverty, according to Webster's dictionary, is the condition of being poor or without means; it means indigence or the want of means of subsistence, or it may be defined as being the quality or state of being deficient in all or any of these qualities or properties which make anything desirable or excellent. It is synonymous with want, penury, indigence, need, pauperism, dearth or destitution.

In the period 1949 to 1968 the cost of housing increased by more than 56 per cent, and the present annual increase in cost is more than 4 per cent, but in spite of this we made over 200,000 housing starts in the current year. I want you to keep in mind, too, that in January 1965 the average price of homes in metropolitan Toronto was $21,900 while today it is over $30,000. Just the other day the task force on housing was suggesting that the ceiling on home loans be raised to $35,000. To me it is meaningless; 50 per cent of the people cannot afford the price.

These rapidly inflating costs are a challenge to both Government and private enterprise and I do not think we have been very imaginative in finding solutions to the problems involved, but there are signs on the positive side such as public land acquisition and servicing, prefabrication and factory built components, and so on. Obviously people below the poverty line, $3,000 annual income in some cases, $4,000 in others, just cannot be interested in acquiring an average-cost home in Toronto or anywhere else. This brings me to what will be the main concern of this address—the inter-relationship of poverty and slums.

According to the *Concise Oxford Dictionary* a slum is defined as an "overcrowded and squalid back street or alley or district in a city". *Webster's New Collegiate Dictionary* defines a slum as "a highly congested area marked by deteriorated unsanitary buildings, poverty and social disorganization". Slums may be rural as well as urban and is not merely an area of bad housing but is also a symptom of social malady.

There are other terms for a slum such as blighted area, deteriorated neighbourhood, grey area, lower class district or low income area. Poverty, however it be measured or defined, appears to have been the prime cause of slums, rural or urban. Once they have taken root their tendency is to spread, their population changing as ambition, opportunity or misfortune dictates the movements of citizens.

The cycle of economic movement begins when residents can afford to move out of cities to suburbs. Some return after their children have left home, but the return never equals the exodus. Those who flee poorer districts are the ones who get better jobs, earn more money, have the urge to "get on in life". In United States cities they often include those with less skin pigmentation.

Hunter in his book, *Slums: Challenge and Response* says:

> They are replaced in the city proper by people of lower everything: social status, income, occupational level, education and future expectations.

The newcomers not only fill gaps in the slums but establish themselves in "grey areas"—districts on their way down composed sometimes of larger houses, once the pride of the well-to-do but later divided into apartments. There are many rows of closely-packed one- or two-family dwellings interspersed with such establishments as funeral parlours, beauty salons, auto parts stores or bus depots, second-hand stores, and greasy-spoon lunch counters. These grey areas have a run-down air; they are near the centre of cities, and by a process of economic osmosis absorb the blight and dejection of the slums they surround.

Not only do people move from city centres, but large manufacturing and distributing firms—big taxpayers and employers—are in the trek to suburbia. Those of you who drive from the Royal York Hotel in Toronto to Malton Airport can see what has happened in the last few years. Look at the large number of manufacturing and business concerns whose head offices have been moved all the way out to Etobicoke. There is less money—especially tax money—left in the city centres and in the older parts of the city. Its core becomes victim of a downward spiral. Civic files fatten with problems of blight, crime, declining revenue and increasing outlays on police and fire protection.

Charles Stokes, of the University of Bridgeport, speaks of "slums of hope" and "slums of despair". The former serve as way stations for people who are going somewhere. Those in the "slum of despair" are at the end of the line.

Of one such area in Boston, Hunter says:

> "Boston's South End ...is a slum of despair. On casual first impression it has an air of rundown gentility. The second impression is more real and lasting. It is, in fact, an area where the social residue lives; the old, poor, once wealthy, cast-off Bostonians; shady characters; prostitutes ....it is unlikely that most of the inhabitants of this type of slum will ever leave, but movement into the area is steady.

It has been estimated that more than twelve million persons live in urban slums in the United States—as many as the combined population of Sweden and Denmark.

Michael Harrington, in his book, *The Other America*, notes:

> "The 1960 (United States) census reported that 15.6 million of the 58 million occupied dwelling units in the United States were substandard. This represented 27 per cent of the nation's total housing supply. Of these, some 3,000,000 were shacks, hovels and tenements. Another 8.3 million units were 'deteriorating' and 4.3 million units were structurally sound

> but lacking some or all of the essential plumbing facilities. In addition, these figures do not take account of 'sound' housing that is terribly overcrowded.

In Canada some measure of the numbers who live in decayed or otherwise unsatisfactory homes may be gauged from the Canadian census figures for 1961, issued by the Dominion Bureau of Statistics.

There were 750,942 crowded dwellings, or 16.5 per cent of the total. Among families earning less than $3,000 per annum, more than one in three, or 35 per cent, were in crowded homes. Of those earning $6,000 or more, 18 per cent lived in houses affording less than a room per person. One in 20, or 255,414 Canadian dwellings in 1961 needed major repairs. This proportion was highest in rural districts, where 10 per cent of the houses were dilapidated. Homes needing major repairs were concentrated in the central part of cities. In 1961, Canadians were living in 1,391,719 homes built before 1920.

We have been discussing in the last few days, in the Committee on Science Policy, the need to have our statistics current. Here is an illustration of how far behind are our statistical data today because the 1961 figures are often meaningless. However, they are the best we have to work with.

Hon. Mr. Martin: This is the point made by Senator Carter.

Hon. Mr. Cameron: That is quite right. Of these 1,391,719 homes, 40 per cent lacked adequate plumbing and one in ten needed major repairs. There was inadequate plumbing in 10 per cent of the homes of all types in metropolitan areas. Canada's Special Planning Secretariat reports that these dwellings show a heavy geographical concentration. In 20 census tracts, half of the dwellings lacked adequate plumbing. Of the 4,554,493 dwellings occupied in Canada at the time of the census, one in five was without hot and cold running water. Almost as many had neither bath nor shower.

The Special Planning Secretariat set up by the Privy Council commented in 1965:

> The various indicators of (Canadian) housing inadequacies overlap in some measure. An overcrowded home may also be a structurally deficient home. Many of the 250,000 homes in need of major repairs could be brought to an acceptable standard. Of the 250,000 families not maintaining their own households, not all are low income people acting from economic necessity.
>
> Nevertheless, despite all the qualifications that have to be made, there is a clear indication that the shortage of acceptable dwellings is some hundreds of thousands. It cannot be put at less than 300,000 units. It may be judged to be much more.

In his preface to Alvin Schorr's study of "Slums and Social Insecurity," Richard M. Titmuss writes:

> The poverty of people and the poverty of houses are here defined and linked as relative interdependent concepts. What he (Schorr) is writing about is not simple 'rough' poverty of the Old Frontier but a condition of social deprivation felt as an accumulating denial of self-respect, privacy, space, opportunity and the enlargement of the self. These are the social and psychological components which are challenging traditional definitions of 'poverty'. There are, as Alva Myrdal made explicit over 20 years ago in Nation and Family, 'many links between housing distress and social morality'. Traditional definitions thus require to be challenged by the notion of multiple cause-and-effect if we are to recognize that these conditions are not likely to succumb gracefully to the automatic beneficence of economic growth. To believe that they will is to turn indifferently aside from some of the major social issues of today, and to expect more from the forces of economic growth than the facts of contemporary experience justify.

In other words, it is the sort of thing which Senator MacKenzie was speaking about the other day when he said that we cannot afford to forget people.

Titmuss believes that the tasks ahead require the "constructive application of new knowledge and the fashioning of new instruments of social change". People want better housing, he says, as a matter of social justice—and this should have real meaning in the terms of the "just society"—to gain more freedom for themselves and their families. "They do not want it on terms which seem to imply that they require to be 'saved' from delinquency or some other sub-cultural infection," he says.

Hunter has described in detail the elements of today's slum problem. They are present in all slums—in Canada and other countries.

Poverty is the predominant characteristic of the slums. Conditions have not changed markedly since Charles Abrams wrote in 1946:

> There is nothing mysterious about the reasons the slums are still with us. Sometimes it is argued that people choose to live in them out of the same perverseness that impels an eccentric to take up lodgings in a tree or cave. The way these slum families have taken to their new surroundings in every city where public housing was opened for occupancy should be a sufficient answer. But the argument persists.
>
> The slums continue simply because their inhabitants cannot afford good housing and because private enterprise will not supply it at prices they can afford.

In other words, they stay there because of poverty.

We have noted that of Canada's 3½ million families in 1961, 756,882 were earning less than $3,000. Whatever norm is used to measure poverty, it is reasonable to assume that three-quarters of a million Canadian families were poor at the time of the last census. Many more were "deprived," a condition one step higher on the economic ladder.

Hunter, thinking in terms of the United States, commented in 1964:

> Down around the $4,000 and below family income level is real, indisputable poverty. At this level it is possible to use words like misery, defeat, terror and chaos...The poor contribute very little in terms of stimulation for economic growth, intellectual leadership, scientific or cultural creativity, and just plain good citizenship. And yet there is no evidence that such people, as a group, inherently have less to offer than any other group. The problem is that it is difficult for human productivity to sprout from the barren soil of poverty.
>
> The slum is the locus of poverty, and poverty is one of the potent forces that maintains the vicious circle and makes it so difficult for people to break out.

In considering the evils of poverty, there is a regular chain of disintegration. In other words, poverty leads to slums; slums lead to overcrowding. In the matter of overcrowding, a house may be considered crowded if it affords less than one room per person. At the 1961 census it was calculated that three quarters of a million dwellings in Canada were crowded.

High densities, that is, the number of persons living in houses or apartments per square foot of ground measurement, are typical of both slums and expensive areas. In the latter, high density may be desirable in terms of generating social relationships, variety in life, interest and excitement deriving from many people and activities, and a sense of society. Well kept homes in crowded and affluent sections of our cities afford privacy, are quiet, healthy and peaceful. In slums the converse is true. High density there comes from the need to find cheap housing; it means cramming too many poor people into rooms in shabby neighbourhoods without proper services for cleaning, maintenance and repair.

Schorr writes that "study of animals has confirmed that illness and even death result from crowding". He quotes Leonard Duhl in his book, *The Human Measure: Man and Family in Megalopolis* as follows:

> Animals brought up in situations of high density, incapable of eating, sleeping, or procreating without large numbers of other individuals being present, have an increased incidence of a wide variety of pathology...This finding in animals confirms findings on input overload in human individuals and groups. We must therefore protect ouselves as much from over-stimulation as from isolation.

Hunter comments:

> We still have a way to go in reducing densities and overcrowding in slum areas. Michael Harrington dramatized this by pointing out that if the densities of some of Harlem's worst blocks obtained in the rest of New York City, the entire population of the United States could fit into three of New York's boroughs.

On crime, Hunter writes, "the fact that most crime originates in slums has been known for a long time". He refers to "reasonable estimates" that in the slums which make up about a fifth of the average United States city's residential area occur 45 per cent of the major crimes, 55 per cent of the juvenile delinquency and half the total number of arrests. On the origins of organized crime, Gus Tyler had this to say:

> Poverty breeds revolt—and where a gang of youth is raised in poverty, it is doubly destined to organize against the outside world. To the struggle of young versus old is added the further dimension of poor versus rich. The world becomes two worlds; the world of "we" versus the world of "they". The "they" may mean

many things: the rich and the virtuous, the cops and the courts, the folks on the other side of the tracks or other side of the street. The "they" represents money, power, and the dress and manners that go with these posts of status. The "they" is a thing to imitate in burlesque, for to imitate in reality is futile. The "they" is the enemy in an undeclared war... The gang is composed in the bowels of the slum subculture. Unable to achieve status in the traditional manner, the gang creates its own standards—its new concept of true status...The delinquent culture becomes an inner frontier, raising barbarians in our midst, strange and hostile to our larger civilization. Out of this culture comes the young gang that in adulthood becomes part of organized crime, either by absorption or by conquest.

Straus, writing 25 years ago, noted:

In two slum wards of Baltimore arrests for felony were three times as frequent as in the city as a whole. A grand jury which had spent many days in investigating crime in a certain section of Miami, Florida, came to this conclusion:

It is the opinion of this Grand Jury that this condition of crime is due to a large extent to the congested, unwholesome and unsanitary conditions in which these people live. Both living and sanitary conditions are deplorable...and naturally breed epidemics of both crime and disease.

Dr. Raymond Prince, research director of the Social Redevelopment Project in Montreal, reports:

These areas (peopled by the economically underprivileged) account for the lion's share of a wide range of the city's social pathology and disease (Tuberculosis, venereal disease, delinquency, crime, school drop-outs, premature births, illegitimacy, mental illness, families on welfare, etc.). When plotted on a map, almost anything that is bad clusters in the physically deteriorated areas of the central city. A study of one such area of Montreal, for example, showed that welfare disbursements were 3.2 times higher than the rest of the city, arrests of adolescents 11 times higher, and arrests of adults 20 times higher. A 1950 study of a slum in Hartford, revealed that it contained 25% of the city's population, but 51% of its TB, 55% of the illegitimate births, 57% of the juvenile delinquency, 62% of the adult arrests and 68% of the relief cases.

The Ontario Division of the Community Planning Association of Canada in its brief to the Royal Commission on Canada's Economic Prospects in 1956 noted that crime and delinquency had "all but disappeared" among residents of a slum area after they had moved to the Regent Park (North) project in Toronto. It had hopes that similar good results would result from the clearance of a Montreal slum district whose residents were to be moved into public housing. The brief said of the district:

Arrests of adults during 1952 were at the rate of 118 per 1,000 population compared with a rate of 18.5 per 1,000 for the city as a whole; arrests of adolescents were at the rate of 12 per thousand compared with one and three-tenths for the entire city. Public assistance expenditures in this district during the years 1949-1952 indicate that grants to needy persons were three and one-fifth times higher than in the city as a whole. The area is almost totally lacking in parks and playgrounds.

The chain of deterioration proceeds downwards from overcrowding to hopelessness. Hunter explains how the trap which concentrates people of low status in slums works:

A child born in the slums or moving there is caught in a complex of destructive factors that reinforce each other. Overcoming them requires more strength than most men have.

The chances are that a slum child lives with parent or parents or adults with little education. His parents do not read much beyond the lowest level tabloid, if that. They do not converse in any meaningful sense of the word. They do not know much about the world, or even the city and its problems and opportunities. Their horizons are limited... they do not provide a stimulus or encouragement for the child to benefit from his schooling. They probably expect the child to drop out of school before finishing high school or certainly not to go on beyond high school...

...Through this (schooling) process the sights of the slum child are subtly being lowered, or at least are prevented from rising. He begins to adopt an image of himself as a person who will stop at a

certain level of education,... what people think of themselves is of crucial importance. It is one of the determining factors in whether or not they get out of the slums. All the conditions of slum life combine to tell a child day and night that he is not worth much.

...Slums rarely breed scientists, political leaders, professors or brokers. They are efficient producers of low-skill, low-wage workers, of the last hired, first fired, of daily grist for the police mill, of cases for the welfare worker. Is this so because the people who live in the slums, the children who are born there, are intrinsically less capable? It is not.

Not all those unfortunate enough to start their lives in slums are corroded by surroundings. Dr. Prince distinguishes between European immigration groups, which have been flowing into Canadian cities for many years and what he terms "the native born anomic group".

The former in "stable ethnic communities" break out later from the slum. For many of them it is a dismal halfway house. These ethnic pockets, he says, "do not generate the disproportionate amounts of pathology" typical of many who live in slums. The sense of community and "a rich supporting network of social relations" appears to sustain them.

But the victims of anomie appear to stay rooted in their pockets of misery. The word "anomie" used by the French social scientist Emile Durkheim refers to "the breakdown of norms or standards that govern the aspirations and behaviour of individuals". Its victims feel cut off, unwanted, unloved. They are "out" and alienated, lacking control of their lives or environment.

Prince says:

It seems that this group accounts for the excessive pathology. They are often long-term residents and their anomic (unattached) and often pathological life style is transmitted from generation to generation. They tend to be a residue of Anglo-Saxon or French stock that have congregated in the most disintegrated areas of the city. In describing this group I will follow closely an account by Mann who studied the 'Lower Ward' in central Toronto...

'...the area's low social status, bleak physical appearance, confused moral climate and residential and social instability tend to attract persons and families sharing one or more of the following characteristics: weak intelligence, poor physical health, low social or economic status, disorganized or unstable personalities or strong feelings of social protest. Among these one finds the physically or mentally handicapped, the psychologically ill, (in 1956 this area had just about the highest mental illness rate for the Metropolitan area) the very poor, compulsive drinkers and alcoholics, deserted wives, common-law households and other moral non-conformists, bootleggers, thieves and families of mixed racial heritage'".

This hopelessness and feelings associated with it have been described as "one of the most potentially dangerous aspects of Western society, namely the deterioration in the social and moral ties that bind, sustain and free us".

Hunter notes:

Democracy calls for all people having a voice in the process of government. If some people do not have an effective voice in government, or if they are not equipped through experience and education to express themselves in responsible and rational ways, or if they are disinterested, democracy is weakened...

...when slum dwellers can see that the system they are in does not produce justice and equality for all...they are less inclined to get out and vote for the best man and the best policies with the idealism teachers of civics would like to promote.

One of the pervasive characteristics of people in the slums, young and old, is that they have, and know full well that they have, less stake in things as they are...this doesn't mean that the slums are hotbeds of revolution. They are not. History tells us that most revolutions are made by middle class intellectuals. But blatant and widespread conditions of inequality and restricted opportunities are without doubt potential fuel for extremist solutions or for demagoguery...

From hopelessness the chain of deterioration goes to health. The fact that slums foster ill health has been alluded to several times.

Hunter has some telling figures on what happens when humans are deprived of ventilation, space, cleanliness and order:

In a city where slums represent about 20 per cent of the residential area as much as 50 per cent of the disease will be in that area. The Hough Section of Cleveland is such an area. There the death rate

from influenza and pneumonia is 44.7 per 100,000 population as against a rate of 29.7 per cent for the city as a whole. Stillbirths are at the rate of 28.7 per 1,000 live births, compared with a city rate of 17.9. The accidental death rate is among the highest in the city. These are health problems related to poverty.

In the inner core area of Milwaukee, in 1958, the infant mortality rate was 29 per cent higher than for the city as a whole ...the tuberculosis rate...54 per cent higher...a seven-year study of mental health and environmental factors in midtown New York (population 170,000, 99 per cent white, wide range of social and economic status) showed a strong connection between social and economic status and mental health. Persons of low status have more mental illness than persons of middle or high status. This runs counter to the popular notion of the high status executive with ulcers or the organization man as the people with the mental health problems. This may be true with reference to neurosis, but not with reference to more serious mental illness. In this study, 13 per cent of the people of low status were classified as probable psychotic types while only 3.6 per cent of the high status people were so classified.

Concluding that "people in the slums are sicker," Hunter notes that in late 1963 tuberculosis began a comeback especially in the "disadvantaged areas" particularly among children under the age of ten.

The Tax Drain: The same writer agrees with other experts that "slums cost taxpayers more money". Although difficult to prove down to the last decimal point, he says, "the basic truth is well established" that slums are a serious drain on civic revenues. He quotes studies made in the 1930s:

In Indianapolis, in a slum area of 1,500 population, health, crime and fire costs totalled $92,775 as against property tax revenues of $11,312—a net outflow of $81,462.

In Cleveland, six slum census tracts were analyzed. For this population of 22,000 the cost of direct services was $1,356,988, while the tax income, all of which was not paid, was $225,035—a net cost of $1,131,953.

A study by the Boston City Planning Board in 1934 concluded that the business district and high rental residential district gave the city a large surplus; the industrial and medium rent districts a small one; the suburban district, with detached houses, showed a small deficit; and the low rent area showed a large one—

—all of these studies are deficient to some degree, in that completely unassailable methods of analysis and allocation of costs have not yet been developed. But methods are sound enough so that it can be said confidently that slums are an economic drain on municipal resources.

The Ontario Division of the Community Planning Association of Canada told the Royal Commission on Canada's Economic Prospects in 1956 that Canadians "seem unaware that the present existence of slum and blighted areas in our midst involves a prodigious economic and social cost". It spoke of the fantastic waste of economic and human resources involved in supplying protective and social services to persons or families living in or near substandard areas.

In concluding this aspect of the discussion, the same association warned of the serious danger that urban renewal schemes may ignore the "present residents of blighted areas". Dr. Prince shares their fear:

Although urban renewal is an exceedingly complex subject involving economics and aesthetics, politics and sociology, the ethics of urban renewal can be formulated in a very few words: Don't forget the people! This may seem trite to those who, when they think of urban renewal, equate it with better housing for the poor. The point that should be emphasized, however, is that the recent interest in urban renewal springs largely from economic, rather than humanitarian concerns.

He comments that demolition may disperse the labour and life savings of small shopkeepers, that the psychological effects of massive destruction and uprooting may be "devastating". He urges that the economic interests of dispossessed tenants must be protected, the destruction of entire neighbourhoods "should be kept to a minimum," and that special funds should be applied to research into techniques of management of anomic urban areas.

Harrington speaks of the need to forge neighbouring communities when residents are moved into public housing from slums. He says:

> You cannot take people out of an old-fashioned slum, where reality has been giving them a grim, distorted education for years, place them in a project, and expect them to exhibit all kinds of gentle, middle-class virtues. This transition is a crucial moment. If the people are left to themselves, then the chances are that they will import the culture of poverty into the public housing...
>
> Many of the public-housing administrators are sincere and imaginative public servants, but they have been frustrated at every turn by the inadequacy of funds and by the fact that the nation (the United States) has yet to make a real commitment to build a human environment...at this writing one must sadly report that it does not seem likely that there will be an adequate crusade to end the misery of the millions of Americans who live in sub-standard housing. The figures have all been tabulated; the reports are in; and the direction of human advance is clear. But, as the sixties open, there is not yet the political will to get at the root of the problem.
>
> So the new form of the old slums will continue; the inadequacies and tragedies of our past public housing policy will remain with us; and that tenacious organism, the culture of poverty, will settle down comfortably in our urban rot.

Harrington rejects the idea that because some public housing projects have not succeeded, the nation should not get involved in the problem. Such a retreat would merely lead to enlargement of the slums, he suggests. Instead, determination and imagination are needed.

He notes that the concerned citizen who sees tenements torn down may be satisfied because he does not know that the number of new units built is less than the number of tenements destroyed. Nor does he realize that some slum-dwellers refuse to go into new low-cost housing projects because of the violence and tendency towards juvenile crime transplanted there from the old slum.

Harrington says criticisms of U.S. low-cost projects "have too much of a tabloid simplicity". Many such projects have no violent gangs but they do "tend to be huge, impersonal, bureaucratic environments". This leads to confusion and fear—"it is an enormous jump from the teeming slum street to this modern administered existence. Indeed, some of the project dwellers are literally terrified at first by their new advantages".

He urges that public housing be conceived of as:

> something more than improved physical shelter with heat and plumbing. It must be seen as an important organism for the creation of community life in the cities... public housing should avoid segregating the poor off in some corner of the metropolis. That is the "modern poor-farm mentality," as one critic described it. The projects and subsidized homes should be located as parts of neighbourhoods, so that income groups, races and cultures will mingle.

Canadian experience, as shown by appraisals of Toronto's Regent Park (North) completed in 1956, appear, in the view of the Ontario division of the Community Planning Association, to have been happier. The organization's brief to the Royal Commission on Canada's Economic Prospects gave this "preliminary" view after an assessment of the new project:

> Crime and delinquency have all but disappeared among the residents of the new housing. The fire hazard has been eliminated. There is some evidence that the health of both adults and children has improved, particularly among asthmatics and post-tubercular patients. Children appear to be progressing well in elementary school and are said by teachers to be better clothed, more rested and more regular in attendance. Mothers are more fastidious in housekeeping and families appear to be spending more on home furnishings and less on alcoholic beverages—in short, a relatively normal healthful environment has been substituted for one of the acknowledged slum areas in an older section of the city with consequent social effects of profound significance.

Subsidized housing in this instance had apparently given slum dwellers enough of a head start on their economic difficulties to enable them to overcome the slum psychology which, together with iron poverty, is the main evil social workers have to eradicate in slums.

In conclusion, poverty and the effects of poverty are among the most costly elements of our modern society. All authorities are agreed that poverty is the main cause of slum conditions in both rural and urban communities. In urban communities, in particular,

slums represent a high incidence of overcrowding, crime, hopelessness and despair. They represent one of the greatest health hazards we have. In real terms they represent an incalculable tax drain and a tremendous waste of human resources. The fact that so many of our citizens find themselves near, at, or below the poverty line is a standing challenge to our whole social system. So far we have talked only about the war on poverty. The time has come for us to act to remove, so far as we can, the causes of poverty. If we do not, the seeds of discontent will grow and some day the winds of change may become a hurricane.

On motion of Honorable Mr. Kinley, debate adjourned.

The Senate adjourned until Tuesday, November 12, 1968, at 3.00 p.m.

THE SENATE

Tuesday, November 12, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Eleventh Meeting of the Canada-United States Interparliamentary Group held in Washington and New Orleans from March 20 to 24, 1968. (English and French texts).

Statement showing Classification of Loans in Canadian Currency of the Chartered Banks of Canada as at September 30, 1968, pursuant to section 119(1) of the Bank Act, chapter 87, Statutes of Canada, 1966-67. (English and French texts).

Report of the Fisheries Research Board of Canada for the year ended December 31, 1967. (English and French texts).

Report of the Board of Grain Commissioners for Canada for the year ended December 31, 1967, pursuant to section 23 of the Canada Grain Act, chapter 25, R.S.C., 1952. (English and French texts).

PRIVATE BILL

TRANSCOASTAL LIFE ASSURANCE COMPANY—FIRST READING

Hon. Maurice Lamontagne presented Bill S-16, respecting Transcoastal Life Assurance Company.

Bill read first time.

Hon. Mr. Lamontagne moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

INVESTMENT COMPANIES BILL FIRST READING

Hon. Paul Martin presented Bill S-17, respecting Investment Companies.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

ELEVENTH ANNUAL MEETING IN WASHINGTON AND NEW ORLEANS

Hon. Alan Macnaughton: Honourable senators, I give notice that on Thursday next, 14th November 1968, I will draw the attention of the Senate to the Eleventh Annual Meeting of the Canada-United States Interparliamentary Group held in Washington and New Orleans from March 20 to 24, 1968, and in particular to the discussions and proceedings of the meeting and the participation therein of the delegation from Canada.

MOTION TO PRINT ELEVENTH ANNUAL REPORT AS APPENDIX

Hon. Paul Martin: Honourable senators, with leave of the Senate, I move, seconded by Senator Macnaughton:

> That the Report of the Eleventh Meeting of the Canada-United States Interparliamentary Group, tabled today, be printed as an appendix to the *Debates of the Senate* of this day.

Motion agreed to.

[*For text of report see Appendix pp. 514-25.*]

ADJOURNMENT

Hon. Paul Martin: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Thursday next, November 14, 1968, at 3 o'clock in the afternoon.

This is in accordance with the arrangement made last week, that we would sit this evening, tomorrow the Rules Committee would sit throughout the day, and the Banking and Commerce Committee would also meet.

Hon. Mr. Croll: Honourable senators, I take it there will be some business before the Banking and Commerce Committee tomorrow morning.

Hon. Mr. Martin: Yes. They will meet at 9.30 a.m.

Hon. Mr. Croll: I think it should be made quite clear—and I do not see the chairman of that committee in the Chamber—that the Banking and Commerce Committee should adjourn to enable us to attend caucus tomorrow morning. This is something we have not recently had an opportunity of doing. I make this observation because we shall have ample

time tomorrow afternoon to complete whatever work that committee has to do.

Motion agreed to.

UNITED NATIONS

CANADA'S POLICY AS TO ADMISSION OF RED CHINA

On the Orders of the Day:

Hon. Chesley W. Carter: Honourable senators, based on my understanding that the question of the admission of Red China to the United Nations is to be dealt with by that body today, with leave, I should like to put a question to the Leader of the Government.

My question is this: Will the honourable Leader of the Government say whether there have been any recent changes in policy attitudes or approaches as far as Red China is concerned, and what is Canada's present position with respect to that country?

Hon. Paul Martin: Honourable senators, I thank Senator Carter for giving me notice this morning of his intention to ask this question.

The debate on the China question in the United Nations opened yesterday. As the Prime Minister indicated over the weekend, the Canadian position with respect to the admission of mainland China will be that stated by me, as Secretary of State for External Affairs, two years ago in the General Assembly. Canada favours the admission of mainland China to the United Nations, and is of the view that mainland China should occupy a seat on the Security Council, but admission of Peking should not prejudice the participation, as a state member, of Taiwan.

There are three resolutions before the General Assembly, one of which calls upon the members to determine whether this question is, within the rules of the United Nations, an important question requiring a two-thirds vote. Canada believes that this is an important question within the meaning of the rules of procedure of the General Assembly, and will vote accordingly.

A second resolution was put forward by the Italian Government calling for a study of this question. Canada will abstain from voting on this resolution. This represents a change in our position over the two previous years. We do not believe a mere study in itself is bound to further a realization of the issues involved.

A third resolution, put forward by Albania, is two-pronged. It calls, first of all, for the admission of mainland China, and in another part it calls for the expulsion of Taiwan. As we are in favour of the first part of the resolution but are opposed to the second part, we will abstain from voting. By our abstention we indicate our view of the desirability of admitting mainland China to the organization, but we oppose the expulsion of Taiwan.

The question of bilateral relations is a matter that is engaging the attention of the Government, and in participating in such relations we take into account our ties with Taiwan.

Hon. Mr. Carter: Honourable senators, I should like to express my thanks to the honourable Leader of the Government for his reply.

The Hon. the Speaker: Honourable senators, may I make an observation. I noted that when Senator Carter rose he requested leave to ask his question. At the beginning of the current session I indicated that when I call the Orders of the Day I should like all honourable senators to feel perfectly free to ask verbal questions of the Government Leader (Hon. Mr. Martin) without asking for leave. That is the arrangement unless it is changed with the agreement of the leaders of both sides of the house.

Leave having been given to proceed to Order No. 3:

FARM CREDIT ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, November 7, the adjourned debate on the motion of Honourable Mr. Everett for the second reading of Bill C-110, to amend the Farm Credit Act.

Hon. Walter M. Aseltine: Honourable senators, I have a few remarks to make on this bill. Most of them will be of a favourable nature; other remarks will not be as favourable but not too critical.

For some time prior to 1959 Canadian farmers had been finding it very difficult to obtain long-term credit at a reasonable rate of interest with which to increase the size of their farms and make necessary improvements. The Canadian Farm Loan Board had outlined its usefuness. It did not have enough capital, and farmers had difficulty in securing loans large enough to enable them to expand their operations and set up economic units. In fact, at that time many farmers found it difficult to get a loan of almost any kind from the

Canadian Farm Loan Board, and there was great demand on the Progressive Conservative government of the day to bring in a new act to provide for more credit, particularly more long-term credit. The government had promised to do so. It had already brought in two other farm bills, the Crop Insurance Act and the Farm Improvement Loans Act, which we discussed only last week.

The Farm Credit Act was introduced in the fall of 1959. It took over the assets of the Canadian Farm Loan Board and set up a corporation known as the Farm Credit Corporation, which commenced business in October, 1959. The original capital of the Farm Credit Corporation was $8 million and the interest rate for loans was 5 per cent. The act was amended from time to time until the capital reached $40 million. Bill C-110 would increase that capital to $56 million. It will give the corporation the power to borrow and lend 25 times that amount, or $1,400 million plus the original $56 million of capital, and that money is to be provided by the Minister of Finance for the purposes set out in the act.

The Government lends the money to the corporation; that is different from the way the money is obtained under the Farm Improvement Loans Act. Under that act the banks lend the money, whereas in this case the money is lent to the corporation and the corporation lends it to the farmers.

The chief objection to the bill and to the act as a whole, as it will stand if these amendments are made, is that under clause 5 the interest rate of 5 per cent is repealed. No new rate is set by the bill, nor is there any formula in the bill stating how the new rate will be arrived at. However, there is this difference: when we were dealing with the Farm Improvement Loans Act we tried to find out what the formula would be, but we could not get the Government to commit itself and tell us how the rate would be arrived at. In this case we have the assurance of the minister in the other place, and of the sponsor of this bill here, that the rate will be not more than 1 per cent above the cost of the money to the Minister of Finance. That, in my opinion, is very much more satisfactory than having to depend on things as they stood when we were considering the other bill. In fact, the last loan to the corporation was 6¾ per cent made on October 1, 1968.

Hon. Mr. Roebuck: May I ask a question? Does this imply a different rate of interest to different individuals? If a large sum is raised perhaps in two bond issues by the Minister of Finance, how do they differentiate between one borrower and another when considering the cost of the money?

Hon. Mr. Aseltine: Every person applying for a loan to the Farm Credit Corporation will get the money at the same rate. Senator Everett, the sponsor of the bill, told us that many loans have been made and that the $1,040,000,000 which was available to the corporation will be more than used up when the current applications have been taken care of, and hence the necessity for the increase in capital.

Honourable senators, another mild objection that I have to the manner in which the money will be loaned is one which I may deal with here later in my remarks or when the bill is considered in committee. The objection is that a large number of $100,000 loans may be made under this bill to corporations and others. In that event, this increase in capital and available money to be loaned will not last very long. I hope that the number of large loans will be kept as low as possible and that each loan will be kept to a reasonable amount.

Honourable senators, the other objection I have to the legislation is that small farms as such have practically disappeared. The number of family farms is fewer in number and is being reduced every year. When this bill is passed, the small farms and family farms will be replaced by corporate farms, co-operative farms and possibly co-operative family farms.

To illustrate what has been going on, I would like to refer honourable senators to the annual report of the Farm Credit Corporation for the year 1967-68. I read from page 7 of that report as follows:

> Reacting to economic pressures which have been growing rapidly, particularly since the mid 1950s, farmers who intend to stay in farming are expanding and improving their farm businesses. In contrast, an even greater number of those on smaller farms are making the choice against farming. The number of farms with annual farm product sales of less than $5,000 decreased by more than 100,000 or over 30 per cent between 1961 and 1966. In the same period the number of farms with sales of over $10,000 increased by over 45,000 or more than 90 per cent. These larger farm businesses, numbering more than 95,000 in 1966, accounted for over 22 per cent of all census farms. In 1961 such farms accounted for only 10 per cent of all census farms. These shifts

to larger size of farm businesses have required capital to create larger land bases and to exploit the efficiencies of increased skill and improved technology.

In my opinion, honourable senators, that is a sad situation. I do not like to see the small farms disappearing. Apparently, that is bound to take place in some areas of Canada.

Take, for instance, the west central part of the Province of Saskatchewan, where I reside; the land there is very heavy clay, and in many places the top soil is 50 feet deep. The principal occupation of the farmers there is the growing of wheat and other grains. On that kind of farm land it is impossible to make a good income on small farms. So the farmers have had to increase their acreage. In my opinion, honourable senators, farmers will be growing wheat on that heavy land with the deep soil when the rest of the western prairie provinces have been pretty well taken over by mixed farming.

As I said before, I hate to see the small farms disappear. It means that the farm population is getting smaller; the people are moving into the big cities. There they are creating problems that the cities are unable to overcome very readily. Moreover, in many cases the farmers who have been selling their lands are moving out of the country and are taking their capital with them in order to avoid our heavy estate taxes—a subject with which I will deal briefly a little later.

Hon. Mr. Thorvaldson: What is your opinion of the proposed new gift tax?

Hon. Mr. Aseltine: I will deal with that in a moment.

Hon. Mr. Croll: You cannot have it every way, you know.

Hon. Mr. Thorvaldson: It will help to deplete western Canada.

Hon. Mr. Aseltine: Some people say it is a good thing; others say it is a bad thing. I say it is not so good.

Honourable senators, with so much money pouring in for the purchase of farm lands under this legislation which we are talking about, the tendency is to inflate the value of farm lands. I will give you an example. Here is a farmer who wants to increase his holdings to make them into an economic unit. He proceeds to buy his neighbour's farm. It may be a small farm. In any event he gets the money to do so by mortgaging his own holdings and the lands that he is going to buy, and in that way he is able to pay cash to the owner of that land. That may take place several times in an area or district, and a record of all such sales is handed over to—

Honourable senators, I am afraid the amplification system is interfering with my speech. I will have to turn it completely off; I am getting the translations on both bands.

Hon. Mr. Croll: Tell them to turn it off for a while.

Hon. Mr. Aseltine: The translator's voice is roaring in my ears.

The Hon. the Speaker: If I may intervene, honourable senators, I would suggest that Mr. Fortier look into the matter. In the meantime, perhaps Senator Aseltine could turn off the translation at his desk while he is making his speech.

Hon. Mr. Aseltine: I said that the money being provided under this act had a tendency to inflate the values of farm lands, and I gave an example of a farmer who buys up neighbouring lands sometimes at an inflated value in order to increase his holdings. The fact is that for every sale that goes through in a certain area the estate tax officials of the Department of National Revenue obtain a record, with the result that when John Jones, from this or that location, dies, the estate tax people value the property belonging to his estate at the amount that these other people paid when they bought up land to increase their holdings.

The result has been that values have been fixed at five or six times the assessed value, and the beneficiaries of estates have been having their land valued at $100 or $150 an acre, depending on the sales that have taken place in that district. These beneficiaries are being billed for estate taxes—that is the new name for succession duties—to the extent of many thousands of dollars, amounts they cannot pay unless they in turn mortgage their farms or sell them to other people who are getting money under the Farm Credit Act.

That is one of the serious matters we are faced with in western Canada. I do not know whether a similar situation exists in Ontario. But in the West, in many cases when a farmer dies his heirs are unable to pay the amount of the tax without either going to a lot of trouble or perhaps sacrificing the farm.

Another matter that I wish to mention has to do with the question raised by Senator Thorvaldson with regard to gift taxes. The gift taxes at rates of 10 to 28 per cent are repealed. The new rates are 15 to 75 per cent. In my opinion, that amounts almost to confiscation.

I said a while ago that in Alberta and Saskatchewan much of the capital was leaving the country. In an attempt to prevent that, the Province of Alberta has passed a bill doing away with its share of the estate tax. Moreover, the Premier of Saskatchewan has promised that in the next sitting of the legislature Saskatchewan will do the same thing. That will bring a great deal of relief to people in Alberta and Saskatchewan. The premiers of those two provinces claim that the estate taxes, as they were—and now they will be worse—were responsible for a great deal of capital leaving the country. They think that under the new formula this capital will remain at home.

Hon. Mr. Thorvaldson: Also, the people are leaving the country.

Hon. Mr. Aseltine: Yes—I thought I mentioned that. When these small farmers sold their farms, either they moved into the cities or left the country and took their money with them.

I was quite pleased to hear the sponsor of the bill conclude his remarks with these words. He said:

> I wondered, when I looked at the amendments proposed to the Estate Tax Act and to the gift tax sections of the Income Tax Act, which struck me as making the passing on of a farm from generation to generation very difficult, whether the Government has realized that, on the one hand, it is saying it is encouraging a farmer to pass on from generation to generation, and to see that it grows, and, on the other hand, it is erecting an almost insurmountable barrier against that in the form of gift taxes and estate taxes.

Ever since the Budget came down this very question has been bothering me. I have received letters from a great number of people who are very much disturbed about what is going to happen to their estates when they are gone, and some of them tell me they cannot sleep at night worrying about the matter. I urge the Government to do something about this and make it possible for farmers to leave their land to their sons so that they can take it over and carry it on without losing such a large portion of its value to estate taxes and/or gift taxes.

Honourable senators, there is no incentive now for anyone to try to build up an estate of any size. All incentive of that kind is gone with the wind. As a result of the amendments referred to, most estate planning is out of date and new planning will have to be done. Also most wills will have to be redrawn. The new era in taxation will be hard on the taxpayer, but will inure to the benefit of chartered accountants, estate planners and lawyers.

I will have more to say on that when the Budget bills come to us for consideration.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Everett, bill referred to the Standing Committee on Banking and Commerce.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT FURTHER CONSIDERED IN COMMITTEE OF THE WHOLE

Pursuant to an order of the day, the Senate resumed from Thursday, November 7, consideration of the Third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, when the committee rose last Thursday, November 7, paragraph 1 of proposed new rule 78, subsection 1, subparagraph 6, was under discussion. The Committee of the Whole had just voted to change the name to "The Senate Committee on Foreign Affairs". The balance of the subparagraph, however, still remains to be dealt with. Senator Molson?

Hon. Mr. Molson: Mr. Chairman, with respect to item (i) of subparagraph 6, the suggestion was made by Senator Roebuck that the wording should be changed to "Treaties and International Agreements". If we have a motion to that effect, I think the committee would welcome it because there is no recommendation otherwise with regard to item (i) of subparagraph 6.

Hon. Mr. Roebuck: I so move.

The Chairman: Honourable senators, you have heard the proposed amendment. Those in favour?

Hon. Senators: Carried.

The Chairman: Those against? Carried.

Now we come to the remainder of subparagraph 6.

Hon. Mr. McDonald: Mr. Chairman, I wonder if you would refer to the items by Roman numerals so that we could take them one at a time.

The Chairman: Roman numeral (i), "Treaties and International Agreements" has been passed. Now we come to Roman numeral (ii), "External Trade".

Hon. Senators: Carried.

The Chairman: Roman numeral (iii), "Foreign Aid"?

Hon. Senators: Carried.

The Chairman: Roman numeral (iv), "Defence"?

Hon. Senators: Carried.

The Chairman: Roman numeral (v), "Immigration"?

Hon. Mr. Croll: Mr. Chairman, I would like to hear an explanation from the chairman as to why Immigration was included in Foreign Affairs. It seems to me that this subject is about as far removed from Foreign Affairs as one could possibly measure. In my view the matter of immigration is very much more an internal matter than a part of foreign affairs, and I would like to hear the explanation.

Hon. Mr. McDonald: It was given the other day.

Hon. Mr. Molson: Mr. Chairman, I made a few remarks about that at the last sitting after Senator Croll had left and perhaps he has not had a chance to read them.

Hon. Mr. Croll: Yes, I read them.

Hon. Mr. Molson: The feeling of the committee was that if the matter of Immigration was to be referred to one of the standing committees—in view of the fact that a considerable part of the subject of Immigration is of an external nature—it might be appropriate. It was felt that if it was dealing with immigrants, after they had landed here and become a domestic matter, then whatever item might arise—a bill, a petition, or any other subject—it might well be referred to another committee, or even to a special committee if necessary.

I would call the attention of the Senate to the fact that among the committees in existence before any amendments to the Rules were made, was the Committee on Immigration and Labour. That committee has apparently met only once since 1963. So, the subject matter under the heading of "Immigration", which is brought before the Senate for consideration, is not of large volume.

Hon. David A. Croll: Honourable senators, I think the matter appropriately belongs under the Committee on Health and Welfare. It is certainly a matter for welfare. That is the way we have traditionally handled it. I should say, for the committee chairman's edification, that some years ago the Immigration and Labour Committee was a most active Senate committee. It did a great deal of work, when immigration was not quite as easy as it is today and there were many more problems.

Hon. Mr. Molson: When was that, senator?

Hon. Mr. Croll: Senator Roebuck will talk about it. I was in the House of Commons at the time.

Hon. Mr. Smith (Queens-Shelburne): You are going way back.

Hon. Mr. Croll: I am, but it is part of the history of the Senate and the country and it is well to know. I should have thought your committee would have gone way back too.

I have some notes here. As a matter of fact, the Immigration and Labour Committee met twice, in 1960 and in 1967. The Health and Welfare Committee met in 1962 and 1963, and in some years previously.

However, it is my suggestion that this matter more appropriately belongs under Health and Welfare, where it has always been considered, rather than under Foreign Affairs. It is not a matter for other governments to deal with, but one we deal with ourselves, and we should not give the wrong impression. As I say, I think that portion of it should belong to the Committee on Health and Welfare.

Hon. Lionel Choquette: Honourable senators, even if you are dealing with the question of potential immigrants to Canada from abroad, I think in all these discussions we must not lose sight of the sort of preamble that we see in subparagraph 6. It reads:

> The Committee on International Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all

bills, messages, petitions, inquiries, papers, and other matters relating to foreign and commonwealth relations generally, including:

I would take it that the word "foreign" would deal with immigration, when we are discussing a problem which exists abroad, or outside our country. The learned chairman has already given probably a clearer explanation than the one I am able to give at the present time, that if there is an internal problem regarding immigration we can refer it to Health and Welfare.

Hon. A. Hamilton McDonald: Mr. Chairman, I cannot help but agree with the report as it appears before us and with the remarks made by the chairman of the committee and my honourable friend opposite.

I think we have a typical example confronting Canada at this moment, namely, the number of Czechoslovakians emigrating to Canada. Surely, the matter of those people leaving their country and coming to Canada is an external matter? There may be problems associated with their immigration, after they arrive in Canada, that ought not to be dealt with by this committee; but as I read the preamble, it simply means that problems with regard to immigration that arise outside our own country should be referred to this committee.

If there are problems with immigrants—as there are bound to be, and as there are with all of us from time to time—perhaps on some other occasions those problems should be referred to the Committee on Legal and Constitutional Affairs. Perhaps, on occasion, certain matters should be referred to the Committee on Health, Welfare and Science. I think the appropriate committee to handle work concerning immigration depends on the preamble to the committee. I think it is clear that the preamble to Committee No. 6, on Foreign Affairs, means that if there are problems associated with immigration that arise outside our country, then this committee ought to deal with them. But, as I say, there may be immigration problems that should be referred to other committees.

Some Hon. Senators: Agreed.

Hon. Arthur W. Roebuck: Honourable senators, perhaps some compromise could be reached here that would be satisfactory to us all. I spoke on this briefly on a previous occasion and pointed out that immigration, as it applies to foreign affairs, relates to emigrants abroad—for instance, the Immigration Act permits certain people to come and does not permit others. Then, when they are here, they become a matter of welfare. To make perfectly clear that we are not referring to people who have arrived here but are still referred to as immigrants, I suggest we should add to No. 11 the word "Immigrants". That is, emigrants are a matter of foreign affairs; immigrants are a matter of welfare.

There is a great distinction between someone who is in Europe and wishes to come to Canada, and has no rights in the matter but comes purely as a matter of race, and a landed immigrant who becomes a citizen of Canada and has certain vital rights.

I clipped a paragraph from the Toronto *Daily Star* of November 7, bearing the heading, "No second-class immigrants." It makes the point that immigrants from the United Kingdom can vote and hold public office after residing in Canada one year, while immigrants from other countries have to wait five years. So, according to the writer of this newspaper article, there is an invidious distinction made between immigrants from one country and immigrants from another, and I rather agree with him in that.

We have all had experiences in matters of this kind and, with your permission, I might reminisce a little. I came to the Senate in 1945 at about the time the war ended. We had a very active immigration committee at that time, of which I was a member. It was due to this body that changes were made in the Immigration Act which enabled a person in Canada to sponsor his relatives abroad. I remember going to the Prime Minister, Mr. Mackenzie King, and pointing out that many of our citizens had relatives in Europe, men and women who had gone through the war and suffered the hell of conditions at that time, and that for us to stand between them here and their relatives abroad would be not only a cruel but an outrageous act. As a result of our activities the law at that time was changed.

I should like to tell you a story that I think illustrates the very point we are discussing now. There was a young woman who came to me and pointed out what an invidious distinction it was to say that a man could bring a fiancee to Canada just because she was his fiancee, but a woman in Canada could not. That was the law at that time. She was particularly interested in it because during the war, when we had in Canada a number of

young men from Poland under the Commonwealth Air Training Program, she and one of the Polish flyers became friendly, and later became engaged. The flyer after the completion of his training returned to England to take his part in the defence of that country. After the war this young lady wanted to bring him to Canada in order to marry him.

I went to Mr. King who, as all honourable senators know, was unmarried, and therefore, I presume had some of that chivalry that we old married men had unfortunately lost, and he understood her position perfectly. The law was changed, and women were given the same right as men of bringing their fiance to Canada. I wrote to the young lady and told her the good news, but I received no reply.

Some months later I was sitting in my office when the father of the young lady came in, wiping his brow. It was a hot July day. He was tremendously worked up, and he said: "You know that flyer who is coming to Canada to marry my daughter? Well, he is here." I said, "That's good. What of it?" He replied, "My daughter has another beau. What is going to happen now?" I laughed, and said, "What is that to you? We bring up a child, and when she gets to marrying age we are not even consulted in the matter of her marriage. All you have to do is to sit back and let the best man win." I sent him away pretty well satisfied. Not long after the flyer arrived, and he was told that his fiancée had another beau whom she liked better than she liked him. He said, "What of it? There are lots of other girls." That was that.

A few months later I attended the funeral of the father, and there I saw the flyer with his new girl, and my client with her new husband, and they were the best of friends. I could go on to tell you much more about them, but that would concern personal matters.

I apologize for reminiscing, but that story is interesting and right in point. It illustrates the fact that when an immigrant arrives in Canada he is no longer the concern of foreign affairs; he is the concern of local affairs. In my opinion, to indicate that fact in the rules for years to come, the proper forum for the discussion of matters relating to immigrants is the Committee on Health, Welfare and Science. Immigrants come under welfare, and immigration comes under foreign affairs. It seems to me that would be a complete answer to what both Senator McDonald and Senator Croll have said. It is also the position I took when we were discussing this matter some time ago.

When we come to paragraph 11, I hope somebody will move that the word "Immigrants" will be added as (vi). That, I think, should satisfy everyone.

Hon. Mr. Choquette: You would leave "(v) Immigration" in paragraph 6 without change?

Hon. Mr. Roebuck: Yes, This would make it clear that immigrants are not included in Immigration.

Hon. Mr. Choquette: I do not know whether it is because of the honourable senator's pronunciation or my hearing, but he seemed to refer always to "emigrant" instead of "immigrant".

You did mean "immigrant" did you not?

Hon. Mr. Roebuck: Of course, I did. If I made that mistake, I apologize for it. I understand the difference.

Hon. G. Percival Burchill: Honourable senators, my object in rising is to remind Senator Croll that at the time the Immigration and Labour Committee of this chamber was so active was just after the last war when its chairman was Senator Wilson, whom we all respected and regarded so highly. She accomplished some wonderful work as chairman of that committee. Whether a committee is active or not depends very much upon who is its chairman.

My feeling is that whatever we do later on with immigrants, we should leave Immigration where it is.

Hon. Mr. Choquette: Hear, hear.

Hon. David A. Croll: Honourable senators, I was a member of the other place in 1946 when this house was dealing with immigration, but we knew of the amount of work that was being done. I should like to point out that Senator McDonald, when he said that the Czechoslovakian situation was handled under foreign affairs, was mistaken. Anything that was done was done through the department of Immigration. They carried out the work that had to be done in another land. They had to get permission, or whatever was required, from the Secretary of State for External Affairs. Despite the compromise that is offered, I think it is a mistake to put "Immigration" where it is.

I should like also to remind the committee that last year the Joint Committee on Immigration, of which I and other senators were

members, had not two, but perhaps 25 sittings, and it produced a report. I do not have it in front of me but I recall it. The committee was active and dealt with it.

Hon. Mr. Molson: A joint committee is not a standing committee. Do not let us confuse them.

Hon. Mr. Croll: I am not confusing them—you are. What I am saying is that we were dealing with the question of immigration, and we dealt with it by way of a joint committee last year; we had many meetings and the subject matter was dealt with. That is the point I am making. I think this is completely out of context and I am opposed to it.

Hon. Mr. McDonald: Mr. Chairman, I rise only to correct the record. If I left the impression with the committee that the Czechoslovakian refugee problem was dealt with under the heading "foreign affairs" it certainly was not my intention to do so. I know full well that this matter has been taken care of by the Department of Manpower and Immigration. The point I was trying to make was that it was something that took place outside of Canada and in that respect was a foreign matter. It was not a Canadian internal problem but a relationship between Canada and another country.

Hon. Gunnar S. Thorvaldson: Honourable senators, I should like to add a few brief remarks to the discussion. As you know, on Immigration the real problem that has been faced by countries such as Canada and Great Britain during the last few years has been not only the immigration of people from, say, war-torn countries like Czechoslovakia today, but of coloured people from various parts of the world. I do not have to cite the very serious nature of the problem that has arisen in the United Kingdom in that respect. We have to recognize it, no matter what may be our thoughts on it. There the problem is certainly one of foreign affairs or Commonwealth relations.

For instance, in Canada we are concerned with the problem of immigrants from the Caribbean area. If I am right in my recollection, it was only six or seven days ago that I saw a report in the newspapers that the prime minister of one of the Caribbean Commonwealth countries—I think Jamaica—made some remarks to the effect that he was very hurt about Canada's attitude towards immigration from his country. To me that is a question of Commonwealth relations, and it could also be one of foreign relations.

Having said that, I must add that I think there is much to be said for the argument that immigration should come under the Department of Health and Welfare, and in that respect I sympathize with the attitude of Senator Croll. Nevertheless, it seems to me that in this day and age—not formerly, but now—immigration is a matter of relationships between governments, and for Canada today particularly between governments of the Commonwealth. I think that is perhaps one of the main reasons that prompted the Special Committee on the Rules of the Senate to put Immigration as a matter to be dealt with by the Standing Committee on International Affairs.

Hon. Mr. Roebuck: After immigrants have arrived here and become citizens of Canada, would you object to putting them under Welfare?

Hon. Mr. Thorvaldson: Do they not come under Welfare? After they have arrived here they are no longer immigrants.

Hon. Mr. Roebuck: Oh yes.

Hon. Mr. Thorvaldson: After they have arrived here the domestic law takes over. As I see it, this refers to the broad subject of Immigration. When an immigrant is here he does not become legally a citizen of Canada immediately, but certainly an integral part of other Canadian citizens in the ordinary way of life.

Hon. Mr. Molson: Some very good points have been made and I think they all have validity. Listening to the debate, I have been wondering whether this heading does not come among those that I mentioned in my original remarks, as one of those things that should be unallocated. There are dozens of subjects which are unallocated, as there must be, because we cannot list everything that could possibly arise. When we are confronted with some matter, whether it be a bill, a resolution, or whatever it be—perhaps concerning immigration—the Senate in its wisdom could then refer it to the appropriate committee. If it concerned immigration from Czechoslovakia, Hungary, or something of that nature, it could be referred to the Standing Committee on Foreign Affairs; if it were a domestic matter it could be referred to another committee. I think this is the best way to handle it.

Hon. Mr. Croll: If I may say one further thing, I would suggest that Immigration is far

too important a matter to be left unallocated. It is one of the really important matters we have to deal with in this country; to us, immigrants are the very life blood of our existence.

Hon. Mr. Choquette: Then, are we to accept the compromise?

Hon. Mr. Croll: No. Senator Molson thought it might be left in the air.

Hon. Mr. Choquette: I was referring to Senator Roebuck's suggestion. Perhaps I might be permitted to add this comment to what I have already said. To snatch Immigration from its international context is to strip it of all its true meaning. Immigration into Canada creates emigration from another country and hence becomes international affairs. My suggestion is to leave it there and accept the compromise suggested by Senator Roebuck.

Hon. Mr. Carter: Honourable senators, I think this is a problem that can be easily solved. I agree with Senator Croll and others that one of the purposes of revising the rules is to make sure that the workload is shared as evenly as possible among the standing committees. To insure that, I think it is desirable to list the duties of committees whenever possible. Immigration policy is certainly an aspect of our foreign policy. It is part of our foreign policy to determine what ratios, percentages or quotas of people we will admit into Canada, and once that policy has been decided by the Secretary of State for External Affairs the mechanics of carrying out the policy is undertaken by the Department of Manpower and Immigration. I do not see why we cannot make that distinction in our rules by simply putting "Foreign Aspects" in brackets after "immigration", and if you want to make it doubly clear add "Citizenship and Immigration" to No. 11.

Hon. Mr. Thompson: I would agree that if a country such as Canada does not want immigrants, it will close the borders. We decide the kind of people we want to come to Canada and who will come, and we decide the economic content. The Department of Manpower and Immigration and not the Department of External Affairs will decide how many immigrants will be coming in a certain year. Immigration is based on our economy, on the needs of the ethnic proportion of our country and a great number of internal factors. I would hope that when we think of immigrants we just do not think of treaties made overseas with some countries, but that we also think of that period which Senator Croll mentioned, the five-year period before they come out of immigrant status and become citizens of Canada.

This applies to a number of facilities which are divided across Canada. I am thinking of such things as provisions for health, welfare and language training. I, like Senator Croll, feel that the whole source of the vitality of Canada is really the kind of people we are bringing into this country.

I accept the fact that we do make treaties in certain cases. The world is aware of who are the receiving countries of immigrants, and those who do not want immigrants, but I say that in relation to Canada this is really a small part of the whole spectrum of immigration. There is the aspect of the influence it has on the economy and on the procedures with respect to language courses, and so on. I personally have some reluctance to see immigration split up between what takes place overseas and what takes place when immigrants get to Canada. However, if that is the compromise, I am quite happy with it. I would hate to think we are just making this another item on the agenda so it will not be forgotten. I would hope the Senate would take an active part in examining immigration which is so vital to our nation.

Hon. Mr. Molson: I wonder if Senator Roebuck would like the term "new Canadians" put in that later section, because once these persons arrive here and they are under the auspices of the Department of Immigration we like to forget they are immigrants. They then become new Canadians.

Hon. Mr. Croll: I do not think they become new Canadians; they become Canadians. When you are a Canadian, you are a Canadian.

Hon. Mr. Molson: But not an immigrant. I was asking Senator Roebuck if he would give any thought to it.

Hon. Mr. Roebuck: It is a very thoughtful suggestion. A new Canadian, of course, is a Canadian. There are some old Canadians too, but they do not like to be called that. Let us think about that.

I am going to make the motion when we get to No. 11 that we add under welfare, "new Canadians", or "immigrants" or some such word, whichever seems to be the most appropriate. In the meantime I think we

should pass the foreign affairs situation, letting the language stand as it is. I thought I had made a compromise which would satisfy everyone.

The Chairman: Honourable senators, there is no motion before the Chair. Shall the item carry?

Some Hon. Senators: Carried.

Hon. Mr. Croll: On division.

The Chairman: On (vi) territorial and offshore matters; shall the item carry?

Some Hon. Senators: Carried.

The Chairman: Shall subparagraph 7 dealing with the Committee on National Finance carry?

Hon. Mr. Molson: Mr. Chairman, you will remember that yesterday the Leader of the Government suggested that under No. 6 the committee merely be called the Senate Committee on Foreign Affairs. I wonder if that amendment should not apply to the six main committees under subparagraphs 6 to 11 and that each committee be called the Senate Committee on National Finance, and so on.

The Chairman: May I suggest to honourable members that we take it up item by item and perhaps we can have that motion with regard to each subparagraph as we come to it.

Therefore, I understand the motion is that subparagraph 7 be amended to read "the Senate Committee on National Finance".

Hon. Mr. Smith (Queens-Shelburne): I would so move.

The Chairman: You have heard the motion. Does subparagraph 7, as amended carry?

Hon. Senators: Carried.

Hon. Mrs. Fergusson: Mr. Chairman, I was unavoidably absent from the chamber, and I would like to know if subparagraph 6 carried?

The Chairman: Yes. We have reached subparagraph 7, on National Finance, and it has carried.

Hon. Mr. Roebuck: If there is something new regarding subparagraph 6, could we not hear it?

The Chairman: By leave of the Senate, is it agreed that Senator Fergusson shall have the floor?

Hon. Senators: Agreed.

Hon. Muriel McQ. Fergusson: Mr. Chairman, this is not a very important matter and I am not raising it in a spirit of criticism. I wish to ask why the Senate Committee on Foreign Affairs or International Affairs, whichever has been decided, is to be composed of only 30 members, when the former committee which dealt with this matter, under Rule 78(19) had 35 senators.

I understand that large committees are somewhat unwieldy, but in this case the Rules Committee has arranged that there will be the same number for a quorum. It seems important that as many senators as possible should be fully conversant with foreign affairs. It would be better to have 35 of us coming to such meetings to learn about these matters, rather than cut the number to 30. What is the reasoning behind the reduction from 35 to 30 members?

Hon. Mr. Molson: Mr. Chairman, in some of the discussion we have had here as well as in the meetings of the Rules Committee, some honourable senators have been critical of the fact that different emphasis was placed on different committees, and on the fact that some committees were extraordinarily busy while others scarcely ever met. This was discussed at some length by the committee. Another matter which was considered was the number of senators who attended here and the number of committees they could reasonably be expected to undertake actively.

Having weighed these considerations and having had discussions on the subject, it was felt that if there were six committees composed of 30 senators each, this would demand 180 Senate members. It would mean that, of the 70 or so senators active in attendance in the chamber, and with the addition of the other joint committees such as the internal or housekeeping committees, each senator would have to be a member of about three committees. As honourable senators know, many senators are at present on five or six committees. It was felt that if there were adequate membership in the new committees there would be a reasonable prospect that the members of each committee would normally be able to attend all meetings of the committee, the number would be large enough to be representative of the Senate and the quorum would be of reasonable size to make the operation smooth.

I do not know if I have given all the answers to Senator Fergusson. These are basic

reasons why we arrived at a total of six committees, equal in number and quorum. We thought this would enable committee members to attend regularly at committee meetings.

Hon. Mrs. Fergusson: I thank the Chairman of the Rules Committee for his explanation, which I find quite satisfactory. I now understand the reason for the change.

The Chairman: Does subparagraph 8, dealing with the Committee on Transport and Communications, carry?

Hon. Mr. Haig: As amended.

Hon. Mr. Smith (Queens-Shelburne): I move that the name be amended to "The Senate Committee on Transport and Communications".

The Chairman: Does subparagraph 8, as amended, carry?

Hon. Senators: Carried.

The Chairman: Does subparagraph 9, dealing with the committee on legal and constitutional affairs, carry.

Hon. Mr. Roebuck: Honourable senators, I have been working on this for many hours, and I am not quite ready to discuss it. If it is satisfactory, I would like to make a speech on it tonight. I would move that this subparagraph stand until later this day.

Hon. Mr. Croll: I second the motion.

The Chairman: Honourable senators, you have heard the motion duly proposed and seconded. Is it your pleasure that subparagraph 9 stand over until later this day?

Hon. Senators: Agreed.

The Chairman: Does subparagraph 10, dealing with the Committee on Banking, Trade and Commerce, carry?

Hon. Mr. Smith (Queens-Shelburne): I move that the title be changed to read "The Senate Committee on Banking, Trade and Commerce".

Hon. Mr. Molson: I second the motion.

The Chairman: Does subparagraph 10 as amended carry?

Hon. Mr. Croll: Honourable senators, I was a little surprised when I looked at "(viii) Labour legislation", as an item to be put before the Committee on Banking and Commerce. Of all places to put it, I could scarcely believe this would be chosen. In the next subparagraph we have the Committee on Health, Welfare and Science, which could very well handle this labour legislation. I think the labour people will resent, as they always have resented, coming before the Banking and Commerce Committee on matters dealing with labour. It does not belong to that committee and should be moved to subparagraph 11, where it properly belongs, and I so move.

The Chairman: Is there a seconder?

Hon. Mr. Roebuck: Yes, indeed, I will second that. I happen to know the attitude taken by organized labour with regard to the Banking and Commerce Committee, which is very largely a legal committee. We refer many bills to that committee and will continue to do so. I believe that if labour legislation were placed under the Health and Welfare Committee, this would appeal to the representatives of labour.

Hon. Mr. Molson: As far as I remember, the committee had no keen feeling about it at all. The one reason that "labour legislation" was put in here was that this committee had had its name changed. It now deals with matters of trade. There is some relationship perhaps between trade and labour legislation.

Hon. Mr. Roebuck: Oh, no.

Hon. Mr. Molson: There is some relationship perhaps between corporate affairs and labour legislation. But I do not think there was any keen view at all on the part of the committee, according to my recollection.

The Chairman: Is there any further discussion? It has been moved by Senator Croll, seconded by Senator Roebuck, that item (viii), Labour legislation, be deleted from subparagraph 10.

Is it your pleasure to adopt the motion?

Hon. Senators: Carried.

The Chairman: Subparagraph 11, The Committee on Health, Welfare and Science. Is there a motion concerning this?

Hon. Mr. Smith (Queens-Shelburne): Mr. Chairman, I move that the title include the word "Senate".

The Chairman: The committee has heard the motion to change the name of the committee to the Senate Committee on Health,

Welfare and Science. Is it your pleasure to adopt the motion?

Hon. Senators: Carried.

Hon. Mr. Croll: Mr. Chairman, I move that the words "Labour legislation" be added as Roman numerals (vi) to subparagraph 11. It seems to me that the committee, in looking after veterans affairs, Indian and Eskimo affairs, health and welfare, social and cultural matters and pensions, has forgotten the very important item that afflicts many of us in this chamber, namely that of aging. Surely that should have been provided for under some committee. It ought to be added to the Senate Committee on Health, Welfare and Science, where it properly belongs.

Hon. Mr. Molson: Mr. Chairman, that might easily be. One of the difficulties the committee experienced with matters like this was that when allocating items, the committee found the list of unallocated items surprisingly large. There is no question about the matter of aging being important, but there were a good many other quite important matters that were not allocated. I do not think it is possible to allocate a completely exhaustive list. This was the committee's thinking.

Hon. Mr. Croll: Mr. Chairman, may I point out that no contribution made to any legislative body in the last many years has been of the value of the contribution made by the Senate Committee on Aging. There is, moreover, an association between the Senate body and the older people of this country who look to us now that we have shown an interest in that problem. For those reasons there ought to be a special allocation indicating that we are interested in the problem and that we may have occasion to deal with it once again.

Therefore, I also move that Roman numerals (vii), Aging, be added to the end of subparagraph 11.

Hon. Mr. Roebuck: Mr. Chairman, I would second that motion, but I see Senator Grosart rising. Perhaps he wishes to second the motion.

The Chairman: Senator Grosart?

Hon. Mr. Grosart: Actually, I was just trying to get the chairman's attention. Mr. Chairman, with respect to the title of that committee being the Senate Committee on Health, Welfare and Science, I did not hear any call from you for a vote. Before it is passed, may I say a few words?

I would like to ask the Chairman of the Rules Committee if the Chairman of the Special Committee on Science Policy had been in touch with him in respect of this matter.

Hon. Mr. Molson: The Chairman of the Special Committee on Science Policy, Senator Lamontagne, has spoken to me about this matter. He is strongly of the opinion that there should be a standing committee to continue the work which is being done presently by the Special Committee on Science Policy. Subsequent to that discussion there was a further discussion in the Rules Committee. The members of the Rules Committee were unanimously opposed to having such a standing committee on science policy. They felt that in setting up these standing committees it would be quite appropriate for the Senate Committee on Health, Welfare and Science to have a continuing interest in science policy and that there was nothing at all precluding it.

There is no reason why this committee should be any busier than the others. In fact, most of the subject matters already allocated to it have not been the source of a great deal of committee work in the Senate in recent years. So the Rules Committee felt that it was quite appropriate to include science and science policy in that committee.

The thought was expressed in our committee that the title might perhaps be changed to stress science. It might be termed the Senate Committee on Science, Health and Welfare, or Science Policy and Health and Welfare, if it sounded better that way. But we have no strong feelings about it because we agree that science is of vital consequence and that the matter of science will be before the Senate constantly.

Therefore, Senator Grosart, if you feel that you want to change the emphasis in the title, I suggest you so move.

Hon. Mr. Croll: I do not think you can touch Health and Welfare.

Hon. Mr. Grosart: Mr. Chairman, there was some informal discussion among the members of the Science Policy Committee with respect to this matter. The general feeling was that it was incongruous to include science in this particular grouping. I appreciate the explanation given by the Chairman of the Committee on Rules. I also realize that not every single subject can have its own committee. Naturally, the Rules Committee had to make certain groupings.

The word "incongruous" might sum up the consensus of the discussion as I heard it, although I am not suggesting that there was any formal meeting of the Science Policy Committee. Neither am I expressing views that were agreed to by all members that committee. That would not be fair. I am merely saying that my understanding of the consensus of the informal discussion was that the members of the Science Policy Committee felt the same way as the Chairman of the Committee on Rules has indicated Senator Lamontagne felt when he discussed the matter with him.

I do not see any particular point in my making an issue of it at this time, largely because the Science Policy Committee is continuing its work as a special committee of the Senate.

I appreciate the suggestion by the chairman, that, if it would make members happier, the word Science might be moved up. On the other hand, it seems to me that Health and Welfare is a very important subject, and I would not want to suggest that science should particularly take precedence. If I may just register the viewpoint of some of the members of the Science Policy Committee and say that perhaps in due course, if the work of that committee reaches the point where it seems appropriate to have a standing committee of the Senate to deal with Science Policy, then that committee might so report.

I think the reason for this feeling on the part of so many members of the Science Policy Committee is that witness after witness has said to us that we are doing a job that has never been done in Canada before. I think there is no entity in Canada that has ever brought forth the extensive type of evidence that has been brought forth before this committee, and some of the top minds in the field of science in Canada have urged that the committee should carry on its work because the problems in Science Policy and its input into government decision-making are so great today that there is every likelihood, and I would almost say certainty, that they will continue. I say that because the chairman of that committee is not here at the moment, and I think he would expect some member of the committee to put that view before this committee at this time.

Hon. Mr. Thorvaldson: May I put a question to the honourable senator? Does he really put this committee ahead of the National Research Council of Canada?

Hon. Mr. Grosart: I do not quite understand the question, because if I in any way implied that I was putting the committee ahead of anybody, then I must have said something I did not intend to say. I do not think I said anything of that nature. I hope I was not immodest in calling attention to the work of the committee. I was doing it really as a tribute to the chairman rather than to any other members. In direct reply to the question, the answer of course is "No", because the Science Policy Committee and the National Research Council, or the Science Council, if you like, or the Science Secretariat, or other bodies, are not in competition with each other. Therefore, there is no reason for me to put the Committee on Science Policy ahead of any government body such as the National Research Council. It will be obvious, I believe, in the course of time that the work of the National Research Council will be referred to in terms of the very highest praise by our committee.

Hon. Mr. Roebuck: There is a clause in the Judicature Act which says that when the rules of common law and equity conflict, the rules of equity shall prevail. I would say here that when science conflicts with humanity, the rules of humanity shall prevail. For that reason I am satisfied to leave the matter as it stands. This chamber, I think, has a different approach to matters of this kind from what it had in the long past. I think we are credited today with a humanitarian aspect that may not have been the case 50 years ago when we were thought to be the protectors of the big interests and so on. Today we have done so much work in connection with human affairs that I would like to see Health and Welfare take precedence over almost everything else.

With regard to aging, Senator Molson has said that they have a long list of subjects that are not included in these Roman numeral paragraphs. I personally would like to see that list because, honourable senators, the longer a list of that kind we have, the more notice we give to the people of Canada of our interest in the matters which may be troubling them. I do not think there is any objection to having long lists of subjects. Therefore, I am quite satisfied to accept Senator Croll's suggestion that we put in "Aging" because that is one of the things in which we have played a real part in the past, and we should play a part in it in the future.

Honourable senators should realize that the people of Canada are living longer. The census will show in years to come that the older

people will become more numerous and their wants and likes and needs will become more vital and more pressing as time goes on. Therefore we should give notice to everybody that among the many subjects which we consider and which we have committees especially authorized to deal with is this subject of Aging.

We are dealing with Aging at the moment, are we not, Mr. Chairman?

The Chairman: Yes.

Hon. Mr. Roebuck: Because I will have a motion on immigrants in a moment.

The Chairman: A motion on Aging?

Hon. Mr. Roebuck: No. There already is a motion on Aging. It was put by Senator Croll and I think it was seconded by Senator Grosart.

The Chairman: It has been moved by Senator Croll and seconded by Senator Roebuck that "Labour legislation" be added to subparagraph (VI) of paragraph II and that "Aging" be added to subparagraph VII of paragraph II.

Hon. Mr. Smith (Queens-Shelburne): Is it the intention to put both these motions to the house in one motion? I had an idea that (vi) was specified in one motion.

Hon. Mr. Choquette: But we had passed (vi). I made a note of it.

The Chairman: We are dealing with No. VII—Aging.

Hon. Mr. Benidickson: Mr. Chairman, I would like to make an observation before this committee. I had the privilege of attending at the weekend two convocations of eminent universities in this country, at one of which practically all the presidents of all the institutions for higher learning were in attendance. It involved the installation of one of their colleagues as Principal. I may say that in attending these functions and in circulating among those in attendance I would be remiss if I did not report that I was told by many people of their admiration and high regard for the work of our Committee on Science Policy.

The Chairman: Honourable senators, there is a motion before the committee that the item "Aging" be added to subparagraph 11, (vii). Is it agreed?

Hon. Senators: Agreed.

An Hon. Senator: No.

The Chairman: Will those in favour of the motion say "Content"?

Hon. Senators: Content.

The Chairman: Will those against the motion say "Non-content"?

Hon. Mr. Smith (Queens-Shelburne): Non-content.

The Chairman: In my opinion the "Contents" have it.

Hon. Mr. Choquette: Is the word "Aging" the proper word? I thought we had only used it in connection with the special committee that made the study on aging. Is there not a more appropriate word?

Hon. Mr. Croll: That is the term that is now used—"aging".

Hon. Mr. Molson: Mr. Chairman, if I may, I would like to make a brief remark following Senator Grosart's observations.

The first point is that every subject that has been allocated is important. There may be some mistakes, but every subject on this list is of importance, both to the Senate and to the country. Each of these committees has important matters with which to deal.

The second point I would like to make is that Senator Grosart suggested there was some incongruity in certain subjects being referred to a particular committee. I would like him to think that through a little further. The Senate committee, as suggested here, is to be composed of 30 members. I do not think there is anything incongruous in asking those 30 men—

Hon. Mrs. Fergusson: And women!

Hon. Mr. Molson: —to consider matters relating to science or health and welfare. "Men and women"—I beg your pardon, Senator Fergusson and other ladies. The suggestion that you will set up a continuing Committee on Science Policy, with so many senators on it—whether it be 30 or some other number—and that they will deal with Science Policy differently from, say, Health and Welfare, is not very realistic. Every one of our committees is composed only of senators, and whether it is a matter of Health and Welfare or Science Policy, I do not think makes very much difference. Certainly, we have not many atomic scientists or even very many scientists in the house. We have not many medical men

to be members of the Health and Welfare Committee. We have no specialists for individual committees; our committees are not specialized committees. I only hope that these committees, by having specific subjects referred to them, will develop a certain amount of expertise—which I am sure the Science Policy Committee is now developing.

Hon. Mr. Grosart: I hoped I made it clear, that whereas I did use the word "incongruous", and perhaps "incongruity," I meant to indicate I regarded it as necessary incongruity, having in mind the problem the Rules Committee had to handle.

The Chairman: Honourable senators, shall the proposed new Rule 78, subparagraph 2 carry?

Hon. Mr. Roebuck: I have already suggested that I would move that item (viii) "Immigrants" be added. We have already discussed the matter.

The Chairman: Is there a seconder for the motion?

Hon. Mr. Benidickson: I second the motion.

Hon. Mr. Smith (Queens-Shelburne): We did not hear the motion.

The Chairman: It has been moved by Senator Roebuck, seconded by Senator Benidickson, that the item "Immigration" be added to subparagraph No. 11.

Hon. Mr. Roebuck: "Immigrants".

The Chairman: Item (viii) "Immigrants". Is it your pleasure to adopt the motion?

Some Hon. Senators: Adopted.

Hon. Mr. McDonald: I have some reservations on this matter. Do new Canadians consider themselves immigrants, and do they like to be referred to as immigrants?

Hon. Mr. Molson: No, they do not.

Hon. Mr. McDonald: I do not think they do. My experience with people coming into western Canada, not only recently but in the very early days, has been that they have objected very strongly to being referred to as immigrants. Many of them have felt that when they came to this country they had come to a new life in which they would not be looked upon as a different type of person from the immigrant who came 10, 50 or a hundred years before. I am just wondering if the word "Immigrants" is the right word, because I am afraid there are many new Canadians who object most strongly to that word. Can we not find a more suitable word?

Hon. Mr. Roebuck: It was suggested by Senator Molson that we adopt the words "new Canadians". What occurred to me, that I thought was obvious, was that a man is not a Canadian until he has been granted citizenship. Really, we are thinking of those who have not been here five years and have become Canadians officially. Immigrants who have arrived here recently have no such prejudice against that word.

Hon. Mr. Thorvaldson: Oh, is that so?

Hon. Mr. Roebuck: Well, not very much.

Hon. Mr. Thorvaldson: I do not agree with you.

Hon. Mr. Roebuck: I do not think you can find another word that will suit this situation that has less objection than the word "immigrants". They have emigrated to this country, and I think the term clearly and properly defines what we have in mind.

Hon. Mr. Aseltine: Call them "new Canadians"!

Hon. Mr. Thorvaldson: I agree with Senator McDonald's remarks concerning" Immigrants". I think that perhaps I can speak with more conviction on the subject than most of you, because my forebears were immigrants to Canada.

Hon. Mr. Roebuck: So were mine.

Hon. Mr. Thorvaldson: Well, mine were immigrants from a foreign country, shall I say, whereas the forebears of most of you came from the British Isles.

Hon. Mr. Croll: Is there any country more foreign than Russia?

Hon. Mr. Thorvaldson: With regard to this word "Immigrants", I do know that the sooner a person who comes to this country from a foreign land can get away from the status of "immigrant" or from being called an immigrant, the better he likes it. In other words, I am not saying there is a stigma attaching to the word "immigrant", nevertheless they do want to get away from that description.

My next point is this, that after an immigrant becomes a citizen of this country, he becomes a citizen of the community, the

municipality or city, and the province in which he lives; and only finally does the federal Government really have much jurisdiction over the immigrant, as such, having become a resident of this country. Consequently, I wonder just what we mean when we say we should put the word "Immigrants" under the heading of the Committee on Health, Welfare and Science. The interest that the federal Government takes in the immigrant, once he settles here, is infinitesimal compared to the fact that he becomes adopted in his community and province and is subject to the social welfare laws of the municipality, city and province. He has no contact as such in his daily life with the Government of Canada. Consequently, I see no reason why we should burden these committees with affairs that are really no part of their business.

Hon. Mr. Phillips (Rigaud): Mr. Chairman, I think it would be difficult to put in one word what we are attempting to cover, but before making an alternative suggestion I should like to point out that Senator Thorvaldson referred to people who move around and to honourable senators who are descendants of immigrants. I should like to say that my background and that of Senator Croll are such that we are indeed experts on the subject of immigration. History tells the tale.

In this particular case, honourable senators, I should like to suggest that we use the term "Canadians awaiting citizenship".

Hon. Mr. Choquette: I was going to suggest just the word "citizenship".

Hon. Mr. Roebuck: No. That would mean they must be here five years, unless they come from the United Kingdom. The word that expresses what the honourable senator has just said is "denizen". A person who comes here, establishes certain rights, and remains here, is a denizen until he becomes a citizen. The meaning of that word is not widely understood, and is the word that we could use.

Do not forget, honourable senators, that we passed this matter of foreign affairs on the understanding that we put "Immigrants" under paragraph 11. I am not prepared to vote for the foreign affairs motions unless we bring in "Immigrants" under paragraph 11.

Do not forget that we have had some terrible experiences so far as immigrants are concerned. The history of a hundred years ago tells us that boatloads of immigrants arrived in Montreal and died by the thousands from typhoid fever and the plague. They were also corrupted by the people of this country at that time. That was a terrible episode in the history of our country. I want this house to bear in mind the fact that when someone arrives here he is no longer under the Foreign Affairs department. He is looked after by the welfare people, and we should take an interest in his welfare. If we had today such conditions as existed a hundred years ago we would be very much concerned indeed. I am certain that in such circumstances the Welfare department would be on the job with plenty of supplies.

It is those people about whom I am concerned—the immigrants, people who arrive here and who are still considered immigrants, and talked about as such for some little time after their arrival. They are denizens of Canada.

Hon. Mr. Croll: Honourable senators, I have heard some odd things said here today, but the oddest one was the reference to the fact that the word "immigrant" has some connotation that a person is not quite up to what he should be. I know that there are six or seven million of us in this country who are immigrants. I have been here 60 years, and people still refer to me by saying, "Well, he is an immigrant." The same connotation is used in respect of other people.

I thought it was a complimentary term to indicate that immigrants can come to this country and make their way, that there is room for them. If you are going to use any term at all then surely there can be no objection to the term "immigrants". No one objects to it. People are very proud of the fact that they were able to choose this country, and that they have made their way here.

Hon. Mr. McDonald: Mr. Chairman, there are not six or seven million immigrants in Canada. Each one of us is an immigrant, or a descendant of one, except perhaps the Indians and Eskimos, although I suppose they came from somewhere else. The whole 20 million of us are either immigrants or descendants of immigrants.

Hon. Mr. Benidickson: Mr. Chairman, I do not quarrel with Senator Thorvaldson, who comes from the same stock as I. My father was an immigrant, and I am proud of it.

Like Senator Roebuck, I would be very concerned if the federal Government and these committees of the Senate confined themselves solely to the mechanics of the

entry of immigrants into Canada. I like to think that we have a special interest in these people who chose Canada for their future home, and that if there are problems connected with their assimilation into Canada before citizenship, there would be a committee of the Senate with special concern on their behalf.

Hon. Mr. Everett: Mr. Chairman, it seems to me that we are trying to establish standing committees that have expertise in particular subjects. To divide a subject between two committees means that there is not as much expertise as there would be available to one committee concentrating on one subject.

For that reason I do not think it is wise to talk about immigration as a matter of foreign policy, and immigration as a matter of health and welfare. I suggest that we need one committee that is expert in the whole field of immigration. Therefore, it is my opinion that the amendment should be left in its present form, and that immigration should be under the aegis of one committee, namely, the Foreign Affairs Committee.

The Chairman: Is the committee ready for the question?

Hon. Senators: Question.

The Chairman: Is it your pleasure to adopt the amendment? Those in favour please say "Content".

Some Hon. Senators: Content.

The Chairman: Those against, please say "Not content".

Some Hon. Senators: Not content.

The Chairman: Is there a call for a standing vote?

Hon. Mr. Benidickson: What is the chairman's decision?

The Chairman: In my opinion, the proposed amendment is lost.

Hon. Mr. Roebuck: Then, I think we should return to the previous section in respect of which we passed "Immigration" under Foreign Affairs on the understanding that we would separate the foreign affairs from the local affairs. I think it is being unfair to take that position—that is, the position you have just taken.

The Chairman: Is there any motion before the committee? If not, I will put the question: Shall the proposed Rule 78, subsection 2, carry? This is at the top of page 3.

Hon. Mr. Davey: Mr. Chairman, I have been sitting here all this afternoon, and I am not perfectly clear on the last vote. I understand it was defeated, but I am not sure what was defeated.

The Chairman: I think I can explain that. It was proposed that the word "Immigrants" be added as item (viii) to subparagraph 11.

Hon. Mr. Davey: Then I would return to the point raised by Senator Roebuck. Was this not conditional upon the discussion we had when dealing with immigration in paragraph 6 (v)? It was my understanding that the discussion at that time was dependent upon the inclusion of Immigration in paragraph 11. Am I wrong in that?

Hon. Mr. McDonald: You are right.

The Chairman: There is no doubt the discussion implied that, but I do not think the chair and the committee meant by implication that we would so deal with it.

Hon. Mr. Davey: In paragraph (6), did we let that stand as "Immigration" or did we change it to "Emigration"?

The Chairman: It stands as "Immigration".

Hon. Mr. Roebuck: On the understanding that "immigrants" should be under Welfare.

Hon. Mr. Phillips (Rigaud): I do not know whether I am in order, but I should like to support the honourable Senator Davey, in that I think there was an implied commitment to Senator Roebuck that there would be included in pararaph 11 some reference to the subject-matter of immigration. I am not clear whether there was agreement that the actual word "immigration" be inserted, but there is no doubt in my mind that there was a commitment that something be inserted to deal with immigrants after they had landed in Canada. In order to cover what I believe to be such a commitment, I should now like formally to move the addition of a subheading. Following a suggestion I made earlier, I move that the subheading read: "Canadians awaiting citizenship".

Hon. Mr. Davey: I second the motion.

Hon. Mr. Thorvaldson: Honourable senators, I should like to speak to that. I do not think there was any commitment made as

suggested by the honourable Senator Phillips (Rigaud) namely, to put a word or phrase in at the end of paragraph 11. I think there was a commitment to discuss it. That is my understanding. We had a discussion lasting about half an hour, and it was decided to leave the paragraph as it is, subject to two amendments that we added, namely, item (vi) Labour Legislation, and item (vii) Aging. If I had made a commitment to add "Immigration" I would feel bound by that commitment, but I do not feel I made a commitment to that effect. As far as I am concerned, my commitment went only to the point of having a discussion on it.

Hon. Mr. Roebuck: The honourable senator did not say that when we passed the first paragraph.

Hon. Mr. Phillips (Rigaud): I thought I made it clear that there was no commitment in my mind either that the specific word "immigration" would be dealt with, but I feel there was a commitment that there would be a subheading dealing with the subject-matter of an immigrant after he came to Canada.

Hon. Mr. Olson: To discuss it.

Hon. Mr. Choquette: As I recall, there was a commitment that we would leave the word "immigration" there without a change, but would discuss it when we got to Welfare, because there had been a suggestion that when the immigrant landed in Canada and had local problems we had not even found a term that we could add to subparagraph 11. We said we would discuss it. We have now discussed it and said we would leave things as they are, that the word "Immigration" will take in foreign problems as well as local problems. That is the end of our discussion as far as I am concerned.

Hon. Mr. Phillips (Rigaud): Have I a seconder to my motion?

The Chairman: Honourable Senator Davey has seconded the motion.

Hon. Mr. Davey: I should like to speak to the amendment moved by honourable Senator Phillips (Rigaud). I concede, as has been pointed out by Senators Thorvaldson and Choquette, that there may not have been a commitment to include this, but whether there was or was not is, I suggest, of academic concern. What we are concerned to do, and why I seconded this amendment, is to include under Health and Welfare some reference to—and it is a good description—Canadians who are awaiting citizenship.

I am proud to say that I am exceedingly active in two organizations in Metropolitan Toronto working extensively with new Canadians. One is the Central Hospital, which is the newest public hospital in Metropolitan Toronto—half of whose patients are immigrants—which was founded by two Hungarian surgeons who were themselves immigrants in 1956. The other organization in which I am proud to be active is the International Institute, which is a volunteer Red Feather service agency in Metropolitan Toronto that dedicates itself to assisting new Canadians or immigrants, whatever you want to call them, to assimilate into the community, assisting them to meet their problems. Two weekends ago this institute held an across Canada conference, bringing together from every corner of Canada people knowledgeable on immigrants' problems—social workers, immigrants, labour people, businessmen—and there was a long and valuable discussion on the subject.

What concerns these people most is not what we call them. They do not really care whether we call them immigrants, new Canadians or members of an ethnic group. What concerns them is how they can make a contribution to Canada, how indeed they can become Canadian citizens. I can assure honourable senators that in these preliminary stages one of their greatest and most vital concerns—which I think is understandable—is the question of health and welfare. It is for this reason that I seconded the amendment proposed by Senator Phillips (Rigaud), and I would urge the Senate to include at some point in these rule changes some reference to new Canadians, immigrants, and Canadians awaiting citizenship.

Hon. Mr. Choquette: It is my understanding that we voted on this, Mr. Chairman, and you had decided it had passed. Are we reopening the question now?

The Chairman: We are in a slight impasse. It seems to me the easy way out of it is that with the unanimous consent of the Senate we could accept the proposed motion of Senator Phillips (Rigaud) seconded by Senator Davey, to the effect that "Canadians awaiting citizenship" be included in subparagraph 11(viii). However, I would suggest that, with the unanimous consent of the Senate, this motion could be called and we could then get a decision and settle the matter.

Hon. Mr. Roebuck: I rather take exception to the thought that consent has to be given, Mr. Chairman. A senator has a perfect right, even after we have rejected "immigrants", to make another motion for another word instead of "immigrants". It is a substantive motion.

The Chairman: The question is not an easy one and I am suggesting that this second motion almost negatives the first.

Hon. Mr. Roebuck: Oh no.

The Chairman: Perhaps it would be helpful to the Chair if we could have a little argument on the point.

Hon. Mr. Croll: It appears to be unanimous, so let us get on.

The Chairman: Is it agreeable to give unanimous consent?

Hon. Mr. Molson: Would a heading of "post-immigration matters" help at all? We have health and welfare, and social and cultural matters. Would social, cultural and "post-immigration matters" have any virtue?

The Chairman: I have a motion before me and unless there is some objection to it I suggest that the motion be put to the committee now and we try and reach a decision. It is moved by Senator Phillips (Rigaud), seconded by Senator Davey, that "Canadians awaiting citizenship" be added as item No. (viii) under subparagraph 11. Those in favour of the said amendment will please say, content.

Some Hon. Senators: Content.

The Chairman: Those against will please say, non-content.

Some Hon. Senators: Non-content.

Hon. Mr. McDonald: Mr. Chairman, May I speak? What is the result of the vote?

Hon. Mr. Croll: Senator Grosart wants to be heard.

The Chairman: We are bending the rules a little bit, but under the circumstances the matter is very important.

Hon. Mr. Grosart: Mr. Chairman, with respect, I agree with your first ruling that the motion as put was outside the rules, but you did obtain leave of the Senate and so I submit that a motion is now before us and is properly before us and, therefore, subject to debate.

The Chairman: Would you please proceed.

Hon. Mr. Grosart: I am in the fullest possible agreement with Senators Roebuck, Davey and Phillips (Rigaud) about the importance of the fullest possible recognition being given to immigrants, whatever they may be called, but I am opposed to adding "Canadians awaiting citizenship" to this particular clause. I think it is unnecessary. We can go on forever adding people who might come under the purview of this Committee on Health, Welfare and Science. I would suggest for the consideration of those who are in favour of this that we are possibly discriminating against immigrants or Canadians waiting citizenship by singling them out as people who will be given special consideration by this committee. Of course, they will be given consideration by the Committee on Health, Welfare and Science. The question has a reason as to whether an undertaking has been given, so may I quote the words, Mr. Chairman? May I respectfully suggest that you call for order—

The Chairman: Order please!

Hon. Mr. Grosart: —because I think it is important that the whole committee be reminded of Senator Molson's words. I think he was incorrectly reported in his opening sentence. He said, "Mr. Chairman, I do not think he did make that suggestion." That does not sound like Senator Molson's words. He probably said, "I think he made that suggestion," but I leave that to him. In any event, referring to what Senator Roebuck had had to say, Senator Molson commented:

> He suggested that it be split, that the internal aspect of immigration go to one committee, and that the external aspect go to another.

I am quoting from page 463 of the Senate *Hansard*. It continues:

> In discussing this subject at some considerable length, your committee was of opinion—and perhaps not correctly—that, because there was a large element of relationships abroad in dealing with the matter of immigration, this was the best committee of the six that we have for dealing with the subject generally. But I would remind you that the Senate is always master of its own rules and procedures, and if a matter was obviously one dealing with landed immigrants and was a domestic matter that seemed unsuitable to send to this committee—

He was referring then to the Foreign Affairs Committee as it is now to be called.

> —it would be, on motion, sent to the committee dealing with Health and Welfare or Social Matters or whichever committee seemed appropriate—

I agree with the point there made by Senator Molson, that if a matter falling in the purview of this committee—we are talking about Health and Welfare and Social Matters—of course it goes to this committee.

I see no advantage in splitting Immigration into two and I agree with Senator Everett in that. Why give one part of Immigration to a foreign affairs committee and one part to a domestic committee? To me, that does not make sense.

I think the phrase suggested by Senator Phillips (Rigaud) is extremely limited—"Canadians awaiting citizenship". If this were carefully considered, we would find it is confining rather than all-embracing. I appreciate Senator Phillips' (Rigaud) purpose in suggesting this phrase. It is a good phrase, but it does not take in every class of immigrant that he might wish to cover.

I wish that Senator Roebuck might consider it is no affront to him if the committee now decides that the requirements of immigrants are fully protected by the clause as it stands, having in mind Senator Molson's explanation.

Hon. Mr. Roebuck: Well, of course, I do not. There is no disrespect for any honourable senator, myself included, whatever this committee does. The committee must use its own good judgment, without any personal factors involved of any kind. And the same applies to the committee which has made this report.

There are those who say that we should do this or that because the committee has done a great deal of work on it, and that we should show respect for the committee, and so on. There is nothing of that kind. All we are considering is this report, and personal considerations are not in order.

Hon. David J. Walker: I am always glad to hear any views of Senator Phillips (Rigaud), but the words "Canadians seeking citizenship" or "Canadians awaiting citizenship" are a misnomer, because they are not citizens until citizenship is granted. Already, the committee has held against the word "immigrants" in item (viii).

My respectful submission, having listened to the argument, is that the Rules Committee has provided for every possible exigency which could affect immigrants—first, by the inclusion under Rule 78(1)6v, where the word "immigration" was used and, secondly, in clause 11, in the Committee on Health, Welfare and Science, there is an all-embracing clause as to any other question which could arise relating to immigrants; and if perchance that clause is not all-inclusive, then the next subclause which we are going to consider, which is (2) is a catch-all, and we will consider that in a moment.

In my respectful submission, that clause—which I thought had been passed and which I am very happy to have had re-opened—subclause 11, together with the others I have mentioned, gives every possibility to bring in all matters concerning immigrants, and if that is not sufficient, the clause in subsection (2) will do so.

Hon. Mr. Phillips (Rigaud): I hate to cross swords with an eminent lawyer such as Senator Walker but the word "Canadian" does not have any technical significance, compared with "citizenship". A person who lives in Canada is, in common parlance, described as a Canadian, just as a person living in Brazil is referred to as a Brazilian.

I think that in considering the proposed amendment, it does not follow that the word "Canadian" necessarily means a citizen of Canada.

Hon. Mr. Davey: Some of us have read ahead to the next clause we are to deal with, and it seems that the Senate will have discretion in sending various matters to various committees. Senator Molson gave an excellent answer to Senator Fergusson earlier, on the question of the number of members on committees. This underlines the entire presentation, that we want to spread the work out to as many committees as possible. If this particular item is left out, I could see that it could then go forward, under subparagraph 2. Then we could have this matter, as has happened so often in the past, and as I mentioned in the other committee, referred to the Banking and Commerce Committee, as were all manner of matters so referred. The inclusion of this amendment would prevent that happening. While I agree that these matters could be left to the discretion of the Senate, I would urge that we have some specific reference to a group of Canadians which represents one-third of the population, in the city that many of us come from.

Hon. Mr. Everett: If Senator Davey is concerned about the Banking and Commerce Committee being a catch-all for immigration, I think it would be more true to say that the catch-all would be the Committee on Foreign Affairs, not the Committee on Banking and Commerce.

Hon. Mr. Davey: I think that would be unsatisfactory, because the problems of the immigrant have nothing to do with foreign affairs but invariably relate to matters of health and welfare. So, while I take the point of the honourable senator, I do not think it is the point to make.

Hon. Mr. Carter: My understanding about this matter was very much the same as that described by Senator Phillips (Rigaud). While there was no commitment, I did really believe there was some sort of understanding that, when we got to this section, we would include something which would take care of immigrants after they were landed. I must confess that with regard to phraseology, the best one seems to be the one advanced by Senator Molson—"post-immigration matters".

Hon. Mr. McDonald: Mr. Chairman, am I free to make a motion?

Hon. Mr. Croll: A motion to adjourn is always in order.

Hon. Mr. Walker: May I say that the Oxford Dictionary defines "Canadian" as a person "native to Canada". According to Senator Phillips (Rigaud), we would have a native of Canada seeking citizenship, and of course that would not be correct.

Hon. Mr. Phillips (Rigaud): Would the honourable senator look at the definition of the word "native" and then we will be able to deal with it?

The Chairman: It is proposed by Senator Phillips (Rigaud), seconded by Senator Davey, that the words "Canadians awaiting citizenship" be entered as item (viii) under subparagraph 11. Those in favour please say "content". Those against please say "non-content". In my opinion the non-contents have it.

Hon. Mr. McDonald: Mr. Chairman, I wonder if we can go back to the preamble of subparagraph 11, which says:

> The Committee on Health, Welfare and Science, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to health, welfare—

and here I would add the words "post immigration". Would it suit members of the Senate to include after the words "Health, Welfare," the words "post immigration"? We would then carry on with the rest of the preamble.

Hon. Mr. Choquette: I thought we had decided not to change anything. Senator Everett made it very clear that the word "immigration" in paragraph 6, in 78, took care of the whole situation, we have been discussing it right and left for over half an hour. It now seems that we are going to reopen the discussion.

The Chairman: In my opinion the matter has been discussed very fully and I suggest to the committee that we now go to Rule 78, subparagraph 2. Shall Rule 78 (2) carry?

Hon. Senators: Carried.

The Chairman: Shall the proposed new rule paragraph 78A carry?

Hon. Senators: Carried.

The Chairman: Shall the proposed new rule 79 (1) carry?

Hon. Senators: Carried.

The Chairman: 79 (2)?

Hon. Mr. Haig: Mr. Chairman, seconded by Senator Blois I move that rule 79 (2) as it appears in the report be amended by adding after the words "unless otherwise ordered" the words "by the Senate".

Hon. Mr. Choquette: As a matter of fact, honourable senators, I am serving on that committee and I know we had decided that. Perhaps the chairman or someone omitted to add those words, but I have them here: "by the Senate".

Hon. Mr. Roebuck: For years we have settled the quorum of committees by having a report by the committees submitted to the Senate and then carried by the Senate. I remember that very distinctly because we have done it in the Divorce Committee time and again. Of course it is the Senate that decides the quorum of the committees.

Hon. Mr. Choquette: I think we are all agreed. We do not need to vote on it.

The Chairman: Does the committee adopt the motion?

Hon. Senators: Carried.

The Chairman: Shall paragraph 80 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 81 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 81, subparagraph 2 carry?

Hon. Mr. Choquette: I do not know if the revised edition or version has been handed to the committee here, but in our deliberations we had decided to delete 81 and substitute the following:

> Members of the public may attend any of its meetings unless otherwise provided.

We felt that that took care of the situation.

Hon. Mr. Molson: Actually, it is in the printed report appended to the *Debates* of October 31, 1968. It is only in the first mimeographed copy that the previous version was to be found. It was changed to read:

> Members of the public may attend any meeting of a Committee of the Senate, unless the Committee otherwise orders.

The Chairman: Shall paragraph 81 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 2 of the report carry?

Hon. Mr. Walker: Could Senator Molson explain that?

Hon. Mr. Molson: This is inserted so that there would be no hiatus, no interruption or interregnum between the duties already assumed by the existing committees and those that might be directed to the new committees when formed. It is just to insure that any matter already referred to it that has not been finally disposed of will continue to be dealt with by the committee which is handling it until it is finished.

Hon. Mr. Walker: By the old committee.

Hon. Mr. Molson: By the old committee, yes. This would apply to the Divorce Committee and to any other committee. The Finance Committee, for example, has matters under way, and if tomorrow you had a new committee, it would continue. I do not know whether any other standing committees have continuing matters, but this would apply to any committees that have business presently under consideration.

The Chairman: Does subparagraph 2 carry?

Hon. Senators: Carried.

The Chairman: Subparagraph 3?

Hon. Mr. Molson: That is just the word "rules" again to add to "standing orders".

Hon. Mr. Roebuck: What about the addition of the word "senate"? You are putting it in all the others.

The Chairman: Are you referring to subparagraph 4, Senator?

Hon. Mr. Roebuck: Paragraph 4 is included in what I have to say, and will, so soon as we reassemble. It is now very nearly 6 o'clock, but I would be prepared to discuss it rather fully on our reassembling.

The Chairman: That is subparagraph 4.

Hon. Mr. McDonald: Bearing in mind what Senator Roebuck has just said, I wonder if this would be a good place to rise and report.

The Chairman: Shall I rise and report and ask for leave to sit again later this day?

Hon. Senators: Agreed.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee ask leave to sit again?

Hon. Mr. McDonald: Later this day.

The Hon. the Speaker: It is moved by Senator McDonald, seconded by Senator Roebuck, that the committee have leave to sit again later this day. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Thursday, November 7, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. John J. Kinley: Honourable senators, when we rise to speak we usually address the members of the Senate, but I would now like to take this first opportunity to salute his Honour the Speaker and to congratulate him on being appointed presiding officer of the Senate. He came to us from the Commons where he had a successful career, including a period as a Minister of the Crown. We have now seen him in action and we know that he will perform his functions successfully and that he will make a great Speaker. We also know that the Government made an excellent appointment.

I would also like to extend my greetings to the Leader of the Opposition (Hon. Mr. Flynn). We have already learned that he is a very friendly and competent man, and I know that he will uphold the traditions of his party in this chamber. We wish him well, and we hope that he will long continue to be with us in the Senate.

With regard to our leader, the Honourable Paul Martin, he was an associate of mine in the Commons. He early became prominent as a member of that house. He was appointed to the Cabinet and eventually became Secretary of State for External Affairs, in which capacity he performed great services. I think that he led us through many difficult situations during his term as Secretary of State for External Affairs. He comes to the Senate highly recommended, and we know that he will make a great chief in this chamber. I had the pleasure of being with him at the United Nations, where he had great influence, and he attracted the attention of that assembly to a greater extent than one would expect would the representative of a small country like Canada. I came away from the United Nations with the impression that he was one of our great Canadians.

With so many of our leaders being immortalized by having their pictures painted and hung on the walls of this building—I attended two such ceremonies only recently—it seems to me that we should break with precedent and have Paul Martin's picture painted and hung in the hall outside this chamber, so that those of future generations who will come in their thousands every day will be able to see the likeness of a man who has been prominent in the Government of this country.

We are also in the process of becoming acquainted with our new Clerk. He is following an illustrious predecessor, John MacNeill, who has now retired after distinguished service. From what we have already seen of our new Clerk, we are led to believe that he will be equal to his task and that he will perform with modesty, quietly but efficiently. We wish him well.

Honourable senators, the resolution before the Senate is a product of the fertile mind of the honourable Senator Croll. He has an excellent reputation within and without Parliament. He has always been doing good work for his people, and he is now running true to form, because this resolution is one that is timely and good. He wants to extend social justice, and that is what people are thinking about at the present time.

I do not like this word "poverty". It does not appeal to me, for a reason about which I shall say something later, but it has attracted the attention of the richest country in the world. The United States regards it as a problem, and we have gone to the extent of saying that it is a serious problem. It is a problem that must be solved, because everybody talks about it. For myself, coming from the Maritime provinces which are supposed to be second-class provinces and in need, the word "poverty" is hateful.

A few weeks ago my grandchildren visited me, and I took them down to the basement to show them some works of men in concrete and metals; to show them some examples of work that was done by hand. I came across a plaque which looked like something that might have been put up by a nation to enthuse the people. It may have come from the old Parliament buildings here after they were destroyed by fire during the war. However, the motto on this stone plaque was "Industry, Intelligence, and Integrity". I think that that is a splendid theme for this special committee on poverty.

We are proud of the position of our country among the nations of the world, and we should approach this problem with a feeling of strength. Of course, no one knows the cure for poverty. Even the honourable sponsor of this motion says that he has no cure to sug-

gest, and it will be very difficult for the committee to find a cure.

Senator Fergusson, in her very optimistic speech, summed up some of the things that have been done by governments in this century. It is certain that more has been done during this century than ever before. I liked what she said because, having been in public life for about 50 years, it seemed to me that I was present when those things took place. It made me feel that during that time I was able to be of some service to the people.

We have heard excellent speeches from many members of this house. Each told a story to the effect that the condition in which we find ourselves can be attributed to other and surrounding conditions. I listened to Senator MacKenzie's speech with much interest. I could not hear it all, but I read it afterwards, and it is my opinion that he made a valuable and balanced survey of the whole subject. He is a Nova Scotian and I thought we should get a very balanced appraisal from him. He told us an interesting story of the early days of Nova Scotia. His father was a minister who received only a small salary. He said they had no amenities and that their life then was not what people expect at the present time. What people now call poverty, we in Nova Scotia at that time did not think of as poverty. Many lived in need; we were all alike and we were all happy.

I was born in Nova Scotia too. My parents had nine children. My father was a deep-sea fisherman, and later became a master mariner. My mother was a schoolteacher. We had few amenities. We had a big washtub by the kitchen stove in which on Saturday nights she scrubbed us all. We got hot water from the kitchen stove. She said that cleanliness was next to Godliness, and I think that is an excellent philosophy to which the committee should give some thought. We must clean up the slums; we must clean the homes. Until they are clean we will not be happy; until they are clean we can do very little with them.

In my day people were poor, but to some of us this was not poverty. The insane were sent to the county home, but the duty of children towards their parents was strongly felt. The children usually looked after their parents when they got old and they all lived in the same place. Nowadays everyone wants a house of his own, and the situation is becoming difficult.

Although people were relatively poor, in the town where I lived, it would have been hard to find somebody who would accept charity. They had an independence, which all of us like. Independence comes from work. What we are comes from what our forefathers did, from their faith and their work. The fact that we are part of the country, that we believe the faith and work of our fathers lives still is one of the big things that makes us happy and successful.

Senator MacKenzie said that the teachers were good in Nova Scotia in his time. My mother was a teacher there a hundred years ago, so I am glad he said the teachers were good. There were ten of us around the table at every meal and my mother had a difficult job. As we go along I feel that the family is the bulwark of the nation; the family is the place where children are started, where they get their faith, where they get their first education. My mother believed in the philosophy of Dickens as expressed in *David Copperfield*. If I may paraphrase: If you earn a dollar and spend a dollar and a quarter you are in trouble, but if you earn a dollar and a quarter and spend a dollar you may be happy.

I think that high living and too much luxury can destroy a nation. The decline and fall of most nations of the world has resulted from too much luxury and ease, not because of poverty.

The late Governor General Vanier was a happy warrior concerned about the sanctity, development and preservation of the family, and he formed a committee in Canada for that purpose. The work of that committee continues and we could well try to get that committee to help the proposed committee of Parliament.

When I was a boy at school I used to recite a little poem by Ross, written over a hundred years ago. Two of its lines read:

> The hand that rocks the cradle
> Is the hand that rules the world

I think that is still true. The home is the place where citizens start to be strong. Women have a tremendous influence; they are a great force in this country and then should be engaged as much as they can be, in bringing up the family and making them good citizens.

We talk of social justice, a "just society" and that sort of thing. Some speak of it now as something that should be done in a minute, others feel it should be done in a short time. That has been the desire of people for gener-

ations, even in Holy Writ. We are told in Chapter 6, Verse 8 of Micah:

> He hath shewed thee O man what is good and what doth the Lord require of thee, but to do justly, and to love mercy and to walk humbly with thy God.

Then again I remember seeing on the wall of the court house in Lunenburg, which was remodeled, the beautiful motto under the British coat of arms:

> Fiat justitia, ruat coelum

which, if I may interpret, means "Let justice be done though the heavens fall."

Let us consider also the wording of the Oath of Allegiance which is taken in the United States of America:

> I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

This has been the idea for generations. It is like the star by which the mariner must be guided if he is to be safe and reach his destination. We should have something like that. It may be something that we cannot do at the moment, but which we will achieve in the end. We can offer our people an opportunity to improve their place in life, something they should strive for. That is what we will be trying to do in this committee.

Senator Cameron made a point in his speech about the number of poor people and their difficulties and what it would cost to maintain them. I agree with him. He dealt with education; he is a great believer in it.

Honourable senators, I read in the Toronto *Globe and Mail* yesterday that Dr. Deutsch, the former Chairman of the Economic Council of Canada said:

> Universities have become essential to survival and prosperity, because 'knowledge, not natural riches, not territory, is now the real basis of well-being and power in the world.'

About 45 years ago I was a member of the Nova Scotia Government and I was also a member of the council for public instruction. We had to select the superintendents for the province. A young professor from Boston came to Nova Scotia seeking a job. He gave a lecture at the school for the blind. He defined education as "the ability to survive". I thought it was a strange definition of education, but as time went on I believe it was true.

This is what Dr. Deutsch has told us, and it is true. We know that the nation which will survive will find its strength in education.

Last Thursday I attended a luncheon of the Voluntary Committee on Health of the Senate and House of Commons, which was addressed by Dr. Unwin, Assistant Professor of Psychiatry at McGill University.

In discussing his subject, "Hazards of Youth—Hippies and Drugs," he said that children today in their tender years spend more time looking at television programs than they would in college, and that that had a great influence. He also said, with regard to drugs, that the much discussed marijuana was not a narcotic, but could be classed with alcohol as a menace. He said, too, that there was a very small percentage of young people who were of the hippie type, or were dissipated. However, things seem to be changing and we see unrest in universities. Very often the professors have queer ideas and the problem of "youth" is becoming more serious. But, we are told, this is not because of poverty.

We are told all men are born equal. Certainly, they are born equal in ignorance and dependence. It is natural that people want to be superior; this comes from effort and achievement, and what we should strive for is equal opportunity. In the race, of course, some will falter but that is what is bound to happen in a free country. Yes, all men are born equal, but care and enlightenment come from the parents in the home, continue through childhood and are strengthened by experience that children get in education. But as students they are still dependent on others, either their parents, or the state or their friends. At this stage they lack experience, and so it seems to me that they should be more grateful for what they receive.

Today, if a boy is intelligent, he can get through college practically without money, whereas in other days his parents had to pay.

It seems to me that children should be grateful for what they get and they should wait until they have received experience and have worked and produced before challenging society. They should regard their superiors and professors and teachers with the courtesy they deserve.

We are told that in Canada there are two million people in poverty. I cannot believe that. There may be people in want, but I cannot think that in Canada there are two million people in poverty. I know that where I live you will not find much poverty. Although Nova Scotia is a province where we

do not get rich, nevertheless, the people usually live well. They believe that they should work and save.

It may be that the Indians and Eskimos are adding to the number of poverty-stricken people. It is a real problem. Incidentally, I have always been fascinated by the stories about Indians, their good blood and the fact that they can work as steeplejacks and hunting guides, and so on, jobs that are attractive and glamourous, involving some danger. Indians do not like to punch time clocks, and instead of trying to get them to do so we should be getting them to do these strenuous jobs that they prefer. Perhaps the only way we can achieve this end is to try working with the new generations, try doing it with the young people. Perhaps they could be spread more across Canada and not left in large numbers in any one place.

I think that the discussion we have had proves that those who live in rural districts and in the country have a better life than those who live in big cities. You know, in the city you are rather impersonal as regards your neighbours, and it seems that if you do not have a lot of money and influence you may be quite lonely and without friends. Of course, other problems in big cities are pollution, riots, crime, and the high cost of living—of course, it may be the cost of high living.

The farmer now has all the amenities in the country; he has the telephone and good roads and television. He has a centrally heated house. It seems to me it is better to live in the country. City dwellers from many places come to spend their lives in rural Nova Scotia.

One of the things that helped us in Nova Scotia in other days was that if people became unemployed they would not stay at home; they went down to the United States. In the springtime you would see people in large numbers going to the United States from Nova Scotia. Even our college students would go there in summer to earn money so that they could carry on their education. I remember honourable Senator MacLennan, a member of this Senate, who once had to struggle to get his education. He was a good looking young fellow, and on one occasion he went to Boston where he got a job taking tickets on a streetcar. One day he saw a delicate young lady on the streetcar and he overheard her say to her friend in Gaelic, "How would you like to kiss the conductor?" He spoke to her in Gaelic and said, "I am on duty." The girl was astonished to hear Gaelic in Boston. She thought she was safe in speaking it.

Many young ladies from Nova Scotia went there to become nurses and housemaids. Senator MacLennan told me that the Canadian influence in Massachusetts was so strong that they paid special attention to it when there was a presidential election. However, that exodus from Nova Scotia was not good. Since the last war some of our people have moved to Toronto and Montreal. We do not like this either, but they make the move because they feel they will have better advantages than they get at home.

I think our conclusions will be arrived at by the assistance of the great voluntary agencies that we have in this country. We started with the Red Cross, and we have the St. John Ambulance, the Knights of Columbus, the Women's Institute, the I.O.D.E. and the V.O.N.; we also have the churches, and they do splendid work. We must praise the churches, for if we had no churches, what would Canada be like? It seems to me that that has something to do with our prosperity. Our fathers who came here were Christians, and the Christian nations of the world are in the forefront—and this is not a matter of luck or a matter of chance. We believe there is an overriding Providence which will look after us, and our future is in His Hand. Sometimes people say, "God helps those who help themselves." I hope we are able to do that. I hope the committee will make a good report. If we want social justice, and if we work for it, we will be entitled to it. That I think is a good subject for the Senate committee to explore. It is one of the things we can do, because we have here men and women who are experienced and talented, and who have a knowledge of life; they have lived in this country, and they want to improve it.

On motion of Hon. Mr. Burchill, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 330 to 369, inclusive, which were presented on Wednesday, November 6.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 330, for the relief of Geraldine Elaine Vosko Bellam.

Resolution 331, for the relief of Jessica June Gold Pottier.

Resolution 332, for the relief of Arthur Georges Bourcier.

Resolution 333, for the relief of Raymond Leclair.

Resolution 334, for the relief of Mireille Youssef Tiriakian Guerguerian.

Resolution 335, for the relief of Heather Leigh Barlow Large.

Resolution 336, for the relief of Diane Joan Bowden Gareau.

Resolution 337, for the relief of Anna (Chana) Schuster Mussman, otherwise known as Anna (Chana) Schuster Musman.

Resolution 338, for the relief of Barbara Jean Gauvin Descœurs.

Resolution 339, for the relief of Arline (Irene) Cohen Fitleberg, otherwise know as Arline (Irene) Cohen Fitelberg.

Resolution 340, for the relief of Sandra Lillian Gill O'Reilly.

Resolution 341, for the relief of Renald Leclair.

Resolution 342, for the relief of Helen Patricia Campbell McNally.

Resolution 343, for the relief of France Benard Goyer.

Resolution 344, for the relief of Romuald Marcel Chayer.

Resolution 345, for the relief of Earle (Earl) Robert Hornett.

Resolution 346, for the relief of Henry Edward Russell Feeney.

Resolution 347, for the relief of James Phillipe Crowshaw.

Resolution 348, for the relief of Diane Merchant Brown.

Resolution 349, for the relief of Enid Emma West Sparkes.

Resolution 350, for the relief of Barbara Anne Howie Curtis.

Resolution 351, for the relief of Lise Fournier Bernier.

Resolution 352, for the relief of Rene Paquette.

Resolution 353, for the relief of Rene Charneau.

Resolution 354, for the relief of Raphael Richard.

Resolution 355, for the relief of William James Rae.

Resolution 356, for the relief of Kenneth Alsbury.

Resolution 357, for the relief of Thelma Jean Whyte Smith.

Resolution 358, for the relief of Bernard William Sylvester Lavallee.

Resolution 359, for the relief of Jacques Gagnon.

Resolution 360, for the relief of Nicole Goyette Bastien.

Resolution 361, for the relief of Charlotte Mathieu St. Pierre.

Resolution 362, for the relief of Frank Ala.

Resolution 363, for the relief of Leontine Tina Abcarius LeFrançois, otherwise known as Leontine Tina Abcarius Nelson.

Resolution 364, for the relief of Andre Oscar Charles Eugene Wabant.

Resolution 365, for the relief of Sylvia Dorothy Scarrott Thomson.

Resolution 366, for the relief of Marie Bourassa Petit.

Resolution 367, for the relief of Claudette Du Ruisseau Belhumeur, otherwise known as Claudette Du Ruisseau Bellehumeur.

Resolution 368, for the relief of Gilles Champagne.

Resolution 369, for the relief of Micheline Rodier Saint-Denis.

Resolutions adopted, on division.

Leave having been given to revert to Presentation of Petitions:

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 389 to 425, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, October 31, the adjourned debate on the motion of Hon. Mr. McGrand for the second reading of Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

Hon. Malcolm Hollett: Honourable senators,—

The Hon. the Speaker: Honourable senators, is it agreed that the honourable Senator

Hollett will take the floor instead of the honourable Senator Sullivan?

Hon. Senators: Agreed.

Hon. Mr. Hollett: Honourable senators, the only reason I am now participating in this debate is because our friend the honourable Senator Sullivan has been detained elsewhere because of family illness. I do not know why I was chosen to say a few words on this subject, because I am about the least qualified to speak to this important amendment.

However, before proceeding further I want to say a few words regarding His Honour the Speaker, the honourable Leader of the Government and the newly-appointed members. To be brief, I wish to say that I concur in all the complimentary remarks made to and about each of you, and I will not enlarge on them, except to say, to you, sir, that the office of His Honour the Speaker is a very important function, and one which I am sure you will discharge with ingenuity and skill.

Honourable senators, this amendment—an act to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code—is a most important one and one to which each senator should give very careful thought before we say exactly how we are going to vote on it. When I first saw this amending legislation I hardly bothered to read it, but when it was suggested that I might say a few words on it, I read it and realized how important it is and that we should consider it carefully.

Before I go on any further I should like to mention another subject. Yesterday was November 11, and the fiftieth anniversary of the Armistice of 1918. Over 100 young old men of this country were invited by the Government to appear here in Ottawa to attend certain ceremonies. I was fortunate in having the pleasure of attending a ceremony that was held in the West Block last evening. It was the finest meeting I have ever attended. I pay tribute and offer my congratulations to the Government and the Honourable the Minister of Veterans Affairs for having developed this plan of bringing these young fellows—some of them are older than I but they are still young; one was 91 years old—to Ottawa for this gathering. I think it was marvellous of the Honourable Mr. Dubé to have asked some of our comrades, yours and mine, to be here for the occasion of yesterday and the day before.

I am sure every one enjoyed it very much. I met a good many men whom I had met before. I did not meet them in Canada; I met them in France over 50 years ago. I can assure all honourable senators that every one of those men enjoyed himself to the full, and thought of how thankful he was to Almighty God for having spared him to celebrate this fiftieth anniversary of the 1918 Armistice.

Honourable senators, the bill before us is a very important measure. The second and third parts of the bill have to do with controlled drugs. Clause 10 adds a new Part IV to the Food and Drugs Act, which makes it an offence for any person, except under the authority of Part IV, to have a restricted drug in his possession or to traffic in it. In Schedule J four drugs, LSD—about which we have heard much—DET, DMT, and STP—whatever they are—are set out as restricted drugs.

Senator McGrand is to be congratulated for explaining this bill so clearly. We are all grateful to him for the way in which he did it. I do not expect he believes in everything that is contained in this bill—at least, I hope he does not, but I will come to that later.

Drugs such as LSD should be restricted and kept out of the hands of our youth, and out of your hands and mine, because we all know of the damage they do to the human being who was created by Almighty God. I am sure all honourable senators feel that the Government should do everything it can to restrict the advertising and sale of these particular drugs.

Honourable senators, I come now to the parts of the bill that cause me, as I am sure they cause you, a lot of worry. Those are the parts that amend the Food and Drugs Act and make a consequential amendment to the Criminal Code, and which deal with contraceptives. It is unfortunate that an old man like myself should have to talk about these things, but if we do not take them into consideration somebody will get hurt. Everybody knows about them now. Perhaps I could tell a little story I heard to illustrate how everybody may know about these things. I do not think there is anything wrong with the story. Two little girls, one aged six and one aged five, were playing in the garden. The six year old picked up a contraceptive from the veranda and went in to her mother saying, "Look, Mummy, what I found. I picked up a contraceptive off the veranda." The five year old asked "Mummy, what is a veranda?" So you see, even the very young are beginning to

know about these things. Perhaps we do not know as much about them as the younger generation.

The act which is being amended says:

> Every one commits an offence who knowingly, without lawful justification or excuse, (c) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any means, instructions, medicine, drug or article intended or represented as a method of preventing conception or causing abortion or miscarriage.

That is the wording of the act we are amending. How are we amending it? Merely by striking out the words, "preventing conception".

The amendment of this act will make such advertising and sale perfectly legal under certain regulations, but what the regulations are we have yet to learn. I note on page 403 of the Senate *Hansard* Senator McGrand said:

> It is expected that regulations will be developed which will not interfere in any way with the advertising to the general public by responsible agencies or organizations concerned with family planning or the dissemination of birth control information. These amendments, therefore, will permit the legal sale of contraceptive devices to the general public, but will limit the advertising thereof in accordance with the proposed regulations.

Honourable senators what will be the regulations and who is to make them? There is much danger in that amendment, if we pass it. I know I am not qualified to talk much about it, so I do not intend to. I will come back to that later.

I want to touch on something now which is very important. I hold in my hand an important document, which I suspect many of you have read. It is the encyclical of the Holy Father, Pope Paul VI, on the use of contraceptives, which I commend to every honourable member here. If you will allow me I will quote a few paragraphs to show how serious this question is and how careful we must be before we pass that amendment.

The whole idea now seems to be to control the population increase. Do not let it increase too much. We will make regulations whereby someone will be able to say that every man and woman in Canada can buy contraceptives and thus reduce the population growth and reduce poverty in this world. That seems to be the idea behind it. I say, honourable senators, that is not a sensible idea at all. Here we are in Canada with 20 million people. The population of the world is 3.4 billion and we, a mere 20 million people, are here doing something to prevent the growth of the population of this world by offering contraceptives to all men and women. To me the idea is so stupid—I almost hate to say it in this august building—as to be terrible.

As honourable senators know, the question of population and the over-populated areas of the world has come before Pope Paul VI, who set up a magisterium to examine the whole question. They could not agree on the best way to cope with the problem, so eventually the Pope had to issue an encyclical. I will read the first paragraph. It is headed:

"The transmission of life":

> The most serious duty of transmitting human life, for which married persons are the free and responsible collaborators of God the Creator, has always been a source of great joys to them even if sometimes accompanied by not a few difficulties and by distress.
>
> At all times the fulfilment of this duty has posed grave problems to the conscience of married persons, but with the recent evolution of society changes have taken place that give rise to new questions which the church could not ignore, having to do with the matter which so closely touches upon the life and happiness of men.

That is the introduction to the encyclical.

Incidentally, here I should like to pay tribute to our librarian. I wanted to get this copied and did not know how to have it done. I went to the library and the assistants had this prepared for me. I want to congratulate them on doing a wonderful job there.

There are many headings in this. It reads:

> Changes which have taken place are in fact noteworthy and of varied kind. In the first place, there is the rapid demographic development. Fear is shown by many that world population is growing more rapidly than the available resources, with growing distress to many families and developing countries, so that the temptation for authorities—

And you are the authorities.

> —to counter this danger with radical measures is great.

The temptation is great.

> Moreover, working and lodging conditions as well as increased exigencies both in the economic field and in that of education, often makes the proper education of an elevated number of children difficult today.

Honourable senators, I am not going to read much, because I want you to read it for yourselves. One other paragraph reads:

> It is also asked whether, in view of the increased sense of responsibility of modern man, the moment has not come for him to entrust to his reason and his will, rather than to the biological rhythms of his organism, the task of regulating birth.

Then, His Holiness goes on with the doctrine of principles. He speaks of conjugal love and its characteristics. He speaks of responsible parenthood and respect for the nature and purpose of the marriage act. I wish I had time to read it all. He deals with faithfulness—with God's design. Then he goes on, in section 14:

> Illicit ways of regulating birth. In conformity with these landmarks in the human and Christian vision of marriage, we must once again declare that the direct interruption of the generative process already begun, and above all, directly willed and procured abortion, even if for therapeutic reasons, are to be absolutely excluded as licit means of regulating birth.

I am sure we all agree that we are very much against abortion in any form, except for preserving the mother's life. There is much here I would like to quote to you. It goes on—and this is important:

> 15. Licitness of therapeutic means. The church, on the contrary, does not at all consider illicit the use of those therapeutic means truly necessary to cure diseases of the organism, even if an impediment to procreation, which may be foreseen, should result therefrom, provided such impediment is not, for whatever motive, directly willed.

If these means are truly necessary because of illness or danger, His Holiness has no objection to that system. He goes on to speak of the "grave consequences of methods of artificial birth control", in section 17, and he says:

> Upright men can even better convince themselves of the solid grounds on which the teaching of the church in this field is based, if they care to reflect upon the consequences of methods of artificial birth control. Let them consider, first of all, how wide and easy a road would thus be opened up toward conjugal infidelity and the general lowering of morality. Not much experience is needed in order to know human weakness, and to understand that men—especially the young, who are so vulnerable on this point—have need of encouragement to be faithful to the moral law, so that they must not be offered some easy means of eluding its observance. It is also to be feared that the man, growing used to the employment of anticonceptive practices, may finally lose respect for the woman....

I am quite sure that you will agree that that could be dangerous. It goes on:

> Let it be considered also that a dangerous weapon would thus be placed in the hands of those public authorities who take no heed of moral exigencies. Who could blame a government for applying to the solution of the problems of the community those means acknowledged to be licit for married couples in the solution of a family problem? Who will stop rulers from favoring, from even imposing upon their peoples, if they were to consider it necessary, the method of contraception which they judge to be most efficacious? In such a way men, wishing to avoid individual, family or social difficulties encountered in the observance of the divine law, would reach the point of placing at the mercy of the intervention of public authorities the most personal and most reserved sector of conjugal intimacy.
>
> Consequently, if the mission of generating life is not to be exposed to the arbitrary will of men, one must necessarily recognize insurmountable limits to the possibility of man's domination over his own body and its functions;...

Then it goes on to deal with the Church as "guarantor of true human values". There is a section entitled "Pastoral directives".

Here is a section which is an appeal to us, because it is entitled "Appeal to Public Authorities". I am still quoting from the Encyclical of the Holy Father:

> To rulers, who are those principally, responsible for the common good, and who can do so much to safeguard moral

> customs, we say: Do not allow the morality of your peoples to be degraded; do not permit that by legal means practices contrary to the natural and divine law be introduced into that fundamental cell, the family. Quite other is the way in which public authorities can and must contribute to the solution of the demographic problem: namely, the way of a provident policy for the family, of a wise education of peoples in respect of the moral law and the liberty of citizens.

There are many more paragraphs, and then there is the "Final appeal." Oddly enough, in the last couple of days I have seen more articles in the newspapers about this question than I ever noticed before. Possibly it is because I did not take the trouble to bother about the subject previously. At any rate, in the *Gazette* of today, November 12, there is an article entitled "Doctor warns against effect of long term use of pill." The article reads as follows:

> A French physician says that women who use "the pill" for more than five years proceed at their own risk because doctors have not been able to study its effects over a longer period of time.
>
> Dr. Jean Gueguen, writing in the Gazette Medicale de France, says there is no clear information "about the possible effects several years after the pill is discontinued or the risks run by women who continue to take the pill over extended periods."
>
> He recommends that women using the birth control pill stop every two years for tests.

In order not to prolong this debate, I cannot conceive of us, a part of the Government of Canada, passing legislation of this sort in this country. I agree that in certain countries there is a terrifying increase in population. I have here a quotation from the *Gazette* of last Friday, November 8, which is as follows:

> There were about 3,420,000,000 people on this planet at mid-1967 and if the present growth rate continues the number will double by 2006.

It says later:

> The report shows the world population jumped by 65,000,000 from mid-1966 to mid-1967. This means that at last count 180,000 children were being born each day.
>
> Three-quarters of the earth's inhabitants live in what commonly are known as underdeveloped areas, which is taken to mean in relative poverty.

The thing that worries me, and I am reaching the end of my span of years, is the effect of the continued and free use of these contraceptives and other forms of contraception by our young people. I worry about the effect it will have on this world, and in particular upon this Canada of ours. If we do increase our population considerably in Canada, what effect is that going to have on the rest of the world? Think of the many hundreds of thousands that come here every year. I believe last year we had 173,000 immigrants from all parts of the world. Sixty-six thousand came from Great Britain, 19,000 or 20,000 from France, and the remainder came from Africa, Asia and other countries. Today we even have people advocating that we should accept children from Biafra. At the same time it is a sin for our own women to have children.

The whole thing seems stupid to me, and I cannot understand why the Government has brought forward this amendment in this bill. I do not think it is sensible for Canada. I think that if we give our hearts and souls to the study of this matter we could find better means of controlling the population. But, honourable senators, it is not only control of the population you will have to think about, but you will also have to consider the effect this is going to have on the young male and female of today and tomorrow. What young man wants to find out or to know that his best girl friend has a pocketful of contraceptives? And what young girl wants to know that that her best boy friend has contraceptives to offer her? What effect is this going to have on the morals and morale of our people?

I am in favour of everything in this particular amending bill, except that one particular thing about contraceptives. And I hope that when this goes to committee somebody will move that that particular section of the act be left as it is without being amended. I do not think it is right or fair to ask this house or to ask the other place to pass legislation which will allow the legal use—made legal by this Government and this Senate—by our young people of these things.

This statement by the Pope is one of the finest and fairest statements I have ever heard from anyone. I am glad I was asked to speak in this debate, because otherwise I

would probably never have studied this measure. I am prepared to stand by what His Holiness says, and I object very strongly to the advertising, the sale and the use of contraceptives.

It is said that we will set up a committee, a family planning committee, which will make regulations so that these pills will be made available to individuals for only a certain number of years, or some arrangement like that. I say: Do not think of it at all. Take it out of our hands, and do not let this measure pass. I shall vote against it, and I am asking every one of you to vote against it.

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Fred A. McGrand: Honourable senators, I wish to correct an error, and the error is mine.

When I introduced this bill, Senator Choquette called my attention to the case of the young people who had died from sniffing glue, and he wanted to know if this bill would cover this sort of thing. This is what I replied:

> Substances or chemicals that are not recognized as drugs will come under this legislation.

I did not want to give the impression that glue was a drug or that glue itself would come under this legislation. This bill refers to the essential substances that can be used as a restricted drug or in the manufacture of restricted drugs. Of course glue is a commercial product. It does contain ingredients that could be used and that could become hazardous if used. It is not the only product; there are several others. The hazardous effects of these things can best be controlled by legislation dealing especially with them.

That concludes the remarks I wanted to make in correcting this error that perhaps would give a different interpretation from the one I intended.

REFERRED TO COMMITTEE

The Hon. the Speaker: With regard to this matter, the bill has passed second reading, and, on a question of privilege, the honourable Senator McGrand has clarified one of his statements.

Again, I ask the question: When shall this bill be read the third time?

On motion of Hon. Mr. McGrand, bill referred to Standing Committee on Banking and Commerce.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT FURTHER CONSIDERED IN COMMITTEE OF THE WHOLE

Pursuant to an order of the day, the Senate resumed from this afternoon consideration of the Third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, is it your wish to consider subparagraph 9, which was stood this afternoon?

Hon. Senators: Agreed.

The Chairman: Subparagrah 9, the Committee on Legal and Constitutional Affairs. Is there a motion with respect to the title?

Hon. Mr. Molson: Mr. Chairman, I move that the name of this committee be amended by inserting the word "Senate", so that it reads "the Senate Committee on Legal and Constitutional Affairs".

The Chairman: Is it your pleasure, honourable senators, to adopt the amendment?

Hon. Senators: Agreed.

The Chairman: Subparagraph 9, the Senate Committee on Legal and Constitutional Affairs.

Hon. Edgar Fournier: Honourable senators, I do not know whether I am in order, but I should like to bring certain matters to your attention. The Special Committee on the Rules of the Senate will meet all day tomorrow, and I have a few points that I should like to bring to its attention. I shall be very brief in my remarks, because I know that we are very anxious to hear Senator Roebuck.

Senator Davey, in his speech the other day, used the phrase "stereotype of the Senate of Canada", and he mentioned his first few days as a member of the Senate. I should like to go back six years and mention my first few days as a member of this house. When I came here I was quite young, although not the youngest senator because there were two or three younger than me. For the first few days I was frustrated and disappointed, to say the least.

My first day was a day of dignity. I learned of the dignity of the house and of its members, and that dignity I believe still exists. On the second day, as I walked into the chamber, I had to put an X against my name to indicate my attendance. On the third day I was absent, and for a reason. When I arrived on the fourth day I had to provide an excuse for not attending on the previous day. I thought I was back to my school days. On the fifth day I was told that if I was away for a total of over 21 days I would be fined $120 a day. In my estimation the prestige of the Senate dropped.

Surely members of the Senate of Canada are well disciplined people, and are devoted to their occupation. I cannot understand why the senators of Canada should have to submit an excuse when they do not attend a sitting of the house. I hope the Special Committee on the Rules, and the members of this house, will do something to rectify this matter which, in my opinion, is childish and outrageous. A fine of $120 per day for 21 days' absence is very stiff. When the Senate used to meet three or four months out of the year it was perhaps acceptable. With long sessions of eight to ten months I think it is too much. One has to be extremely careful to keep within the 21 days. I think that when the fine is raised from $60 to $120 per day the number of days should be extended. I believe that the members of the Senate are all devoted to their cause and nobody will unavoidably miss a day's attendance. I do not think anybody will have to be fined.

I should like to read what Senator Cameron said about this, and I quote from the Senate *Hansard* of November 6, at page 444. Speaking about the other duties of the Senate, he said:

> It is an essential part of a senator's responsibility to participate in public offices and in public affairs, provided he does not make it an excuse for not paying attention to the work of the Senate. I am sure no one would do that. But he should not be penalized in terms of time.

I fully agree with that.

Another thing I do not agree with is our pensions. I believe that everybody across Canada thinks that all senators have big fat pensions. Believe me, I do not think that is so. There are honourable senators in the chamber at this moment who, although appointed some 15 or 20 years ago, do not feel like retiring at the age of 75, but they are severely punished by a fine of $720 a year. It is almost a disgrace. I think that while the committee is examining the Rules, it should also review that situation.

This affects not only older senators but many younger senators like myself. How could I decide five years ago at the age of 55 what I intended to do at the age of 75? It was impossible. That was the reason I did not sign the agreement. I do not know how I will feel at the age of 75. All I know is that I am paying into the fund, and am obliged to do so. If I died at the age of 74 I would have contributed $14,000 to the fund, but my wife would receive nothing, not even the interest on the money I had paid into it. I think this is outdated and outmoded; I do not believe there is another pension in the world like it.

I believe that senators should retire at the age of 70, not 75. That is my personal feeling. I have good reason to say that, but I will not expand on it further.

Hon. Mr. Walker: Present company excepted.

Hon. Mr. Fournier (Madawaska-Restigouche): Lastly, I believe we should make more use of the Senate chamber.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. Fournier (Madawaska-Restigouche): We are abolishing Rule 82 and opening the doors to the public to committee meetings. There would be no better place to have special committees meet than in this chamber.

Hon. Mr. Martin: Hear, hear.

Hon. Mr. Fournier (Madawaska-Restigouche): We should have the witness on one side and senators on the other side. We have a table here, we have all the equipment; it would cost nothing and would be good publicity to offer those who come from all over the country, from coast to coast, if some of these committees sat in the Senate chamber when it is permissible.

I leave this thought with honourable senators. We are now modernizing the Senate. Make it more adaptable to our modern age and let us forget some of the old traditions that were good in the old days but may now be obsolete. I hope the committee will give consideration to my humble remarks. Now is the time to get the bugs out of the system.

The Chairman: Shall paragraph 9 as amended, carry?

Hon. Mr. Roebuck: Honourable senators, I move that we now rise, that you report progress and ask leave to sit again. I would say in support of that that I have what I think is an important address.

Hon. Mr. Choquette: We have other questions. If my learned friend is not ready to proceed after giving us notice, I suggest that we proceed with other matters and let paragraph 9 stand.

Hon. Mr. Roebuck: I am just not capable of going on at this time of night.

The Chairman: Shall paragraph 9 stand?

Hon. Senators: Agreed.

The Chairman: Paragraph 4 on page 3.

Hon. Mr. Roebuck: That is part and parcel of the same.

The Chairman: Shall paragraph 4 stand?

Hon. Senators: Stand.

The Chairman: Paragraph 5?

Hon. Senators: Stand.

Hon. Mr. Roebuck: The same story.

The Chairman: Shall paragraph 6 carry?

Some Hon. Senators: Carried.

Hon. Mr. Roebuck: I thought we carried that already.

The Chairman: Shall paragraph 7 carry?

Hon. Mr. Croll: That is the same thing.

Hon. Mr. Molson: It is not necessarily the same thing, Mr. Chairman. That says:

> Notwithstanding the repeal... any petition for the dissolution of annulment of a marriage filed under the Dissolution and Annulment of Marriages Act before the coming into force of the Divorce Act and not finally disposed of when the last mentioned Act came into force, shall be dealt with and disposed of in accordance with the said Standing Rules and forms hereby repealed.

It leaves those in effect.

Hon. Mr. Roebuck: I have little objection to this. However, it is part and parcel of the whole subject I wish to discuss, but not at half past nine at night. I think that is asking too much of a person. I never plead my own age, but at the same time you know it. I would like that to stand as well as the rest.

The Chairman: Shall paragraph 7 stand?

Hon. Senators: Agreed.

Hon. Mr. Roebuck: And paragraph 10—paragraphs 8, 9 and 10 are all in the same category.

Hon. Lionel Choquette: Dealing with the pet subject of my friend, that we are now unable to proceed with important subjects, I want to say a few words on the proposal to adjourn.

The Senate has got rid of divorces—and thank heaven for that. Less than two years ago I predicted to Senator Roebuck that we were establishing a sort of a tribunal to hear divorce cases. I predicted, and I was right, that the new system being originated in the Senate at that time, of having a commissioner who was made a member of the Exchequer Court, would have the power to hear divorce cases and present resolutions. I was assured that there was nothing cynical about the whole plan, and if you read the debates of that time, you will see I was assured that always the Province of Quebec would have a relief in this house, if not a relief from both houses.

We have got rid of those rules of divorce, we have got rid of divorce, and all ten provinces, I am proud to say, have accepted the jurisdiction of the federal Government to hear divorce applications and annulments. It will be only in rare cases that any aggrieved party in Canada will apply to the federal Government for relief by way of divorce or annulment.

Hon. Mr. Thorvaldson: That is, apply to Parliament.

Hon. Mr. Choquette: Yes, apply to Parliament. I say that if ever that happens it will be by way of exception; it will be by way of request to pass a bill that will have to be approved by both houses, the House of Commons and this house.

Hon. Mr. Aseltine: That is correct.

Hon. Mr. Choquette: So, if we had a Divorce Committee well organized and headed by Senator Roebuck and Senator Croll, who divided the work between them, if we had that committee well organized with its rules, all that will go by the board.

Therefore, I say to you, what is the use or the purpose of keeping rules that will be outdated and outmoded? Surely, if anybody asks for relief by way of divorce, by way of a private bill, a committee which was organized to work under the old rules certainly will not operate under those old rules again?

I have all confidence in the Committee on Legal and Constitutional Affairs to deal with such rare cases as might come to Parliament.

Let us look at the Senate Committee on Legal and Constitutional Affairs:

> 9. The Committee on Legal and Constitutional Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to legal and constitutional matters generally, including:
>
> (i) Federal-Provincial relations.
>
> (ii) Administration of Justice, Law Reform, and all matters related thereto.
>
> (iii) The Judiciary.
>
> (iv) All essentially juridical matters.
>
> (v) Private bills not otherwise specifically assigned to another committee, including marriage and divorce.

I have enough confidence in such a Legal Committee that if ever a petition for divorce is presented to this house, that committee will be well qualified to deal with it. We would be wasting much time if we were to try to keep the old rules and the old committee intact.

Hon. Mr. Aseltine: And the commissioner.

Hon. Mr. Choquette: And the commissioner. The commissioner has nothing whatever to do with this, now that the ten provinces have accepted the jurisdiction of the federal Parliament.

Honourable senators, I do not know what is behind all this. I cannot attribute motives to my friend Senator Roebuck who has been so sincere in all his dealings in divorce, but I do suspect that he would like again to continue the old system of saying to the Canadian people, "It is your inalienable right to come to Parliament." I can see him again inviting those people to come to Parliament and ask for relief: "If you feel that you must have relief by way of annulment or divorce, then come to Parliament."

I say to you, honourable senators, that, if we do that, we are inviting these people to come. If we keep the old committee and the old rules, we are inviting Canadians at large to come again before us to ask for relief by way of divorce and annulment.

I say that by way of introduction. I will have more to say about it later. But I do fail to see why this house should adjourn and be delayed for the purpose of hearing a speech along these lines made by my good friend Senator Roebuck—a speech that will last probably an hour and a half or maybe more.

Hon. Mr. Roebuck: Well, on a point of order, my friend Senator Choquette said he should not impute motives, and that is right. But if he thinks that I so enjoy the work that we have been doing—and I may add just by way of interest that on the 18th day of this month I will have served as chairman of this Divorce Committee for 15 years—if my friend thinks that I am anxious to go on hearing cases and that sort of thing, he is very much mistaken. I have expressed it privately a number of times, and I now express it here, that I am delighted that we are through with this big, long, arduous task in which I have been engaged.

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: On the other hand, I have some thoughts and I have thoroughly organized these thoughts, and I do not propose to start a speech that I think has some importance at about half-past nine at night. I think my friends in the Senate will agree with me that I am justified in asking for an adjournment.

Hon. Mr. Choquette: All right.

The Chairman: Is there a seconder?

Hon. Mr. Croll: I will second it.

The Chairman: Is it your pleasure—

Hon. Mr. Molson: Mr. Chairman, may I ask Senator Roebuck when he would be prepared to deal with these questions? As you will remember, Senator Roebuck, last week you said you had not had an opportunity to see the report which had been appended to *Hansard* on October 31, and we therefore agreed that we would put it over the weekend until Tuesday this week.

Hon. Mr. Roebuck: Yes.

Hon. Mr. Molson: We have now done that and you told me this evening that you would speak and that you hoped the committee tomorrow would consider what you said.

Hon. Mr. Roebuck: And I was ready to speak.

Hon. Mr. Molson: And I was very agreeable.

Hon. Mr. Roebuck: I was ready to speak, had a reasonable time been allotted.

Hon. Mr. Molson: But now we cannot go on, and the next opportunity will be Thursday. Whether the Senate will see fit to amend, pass or deal with the report by Thursday, I do not know.

Hon. Mr. Roebuck: What is the hurry?

Hon. Mr. Molson: None whatsoever, sir. We have all the time that the Senate wishes. I would just like to say that the committee, as always, is the servant of the Senate and its members are in the hands of the Senate. There is no suggestion of hurry whatsoever, but it may be difficult to deal in sequence with the matters with which it is faced, if this Third Report is held up in the chamber for a matter of a fortnight. That is all I am pointing out. There is no possibility that the committee can say to the Senate, "Hurry up"—there should be none of that. But you yourself, sir, said that if we left this over the weekend you would be prepared to go on today.

Hon. Mr. Roebuck: And I was prepared to go on today. I have been sitting here since three o'clock ready to go on, but I am not ready to go on at half-past nine.

The Chairman: There is a motion before the Chair.

Hon. Mr. Walker: May I ask if Senator Roebuck is the only one who is going to discuss this matter? I know he is the most important one.

Hon. Mr. Roebuck: No, no.

Hon. Mr. Walker: Is no one else going to say anything about it? I see, there is no one else. Senator Molson has discussed it earlier and it seems a pity since we are all here, and we will not be sitting tomorrow, that we cannot get on with this or at least with everything except Senator Roebuck's speech. If there is no one else ready to proceed, perhaps I am out of order in making the suggestion.

Hon. Mr. Choquette: Perhaps we could have an inkling from Senator Roebuck as to what his line of reasoning will be. I have already outlined what I think he has in mind, but does he intend asking us to preserve intact the rules of Divorce such as they had existed before the change in the law?

Hon. Mr. Roebuck: No. I will make my address when the right time comes.

Hon. Mr. Choquette: I know.

Hon. Mr. Beaubien (Bedford): Could we not sit for an hour tomorrow?

Hon. Mr. Roebuck: I will be ready tomorrow.

Hon. Mr. Croll: But the Senate has already decided it will not sit tomorrow.

Hon. Mr. Beaubien (Bedford): But can we not change our minds and sit tomorrow? After all we are masters in our own house. Would it upset anything terribly if we sat tomorrow from three to four?

Hon. Mr. Roebuck: I will be glad to go on tomorrow.

Hon. Mr. Molson: But we have committee meetings arranged for tomorrow.

The Chairman: There is a motion before the Chair that progress be reported.

Hon. Mr. Martin: Mr. Chairman, I fully understand the chairman's wish to get on with the work of the committee and I understand the motives which guide the Acting Leader of the Opposition, but are we not in this position? Senator Roebuck, who has been dealing with Divorce, feels keenly about a particular aspect of the report and he wishes to make an argument. I would be inclined on the basis of my scanty knowledge to take the position that the Acting Leader of the Opposition has taken, but at the same time Senator Roebuck is a member of this house with long experience in these matters, and he feels he has something to contribute. Personally, I feel we ought to go on, but in view of the fact that Senator Roebuck at this hour of the evening does not feel he is able to go on, I do not think it would be sensible for us to proceed. I do not think anyone would want to compel him at this time to proceed with his argument.

I hope that in taking this position the chairman of the committee, for whom I have the greatest respect and whose work in this committee has been most commendable, will not think that I am letting him down. Someone has to take a position in this matter, and I

feel that the request of Senator Roebuck ought to be recognized by all of us. I do not think there is any other prudent way of disposing of the dispute that prevails between us at the moment.

The Chairman: Honourable senators, you have heard the motion. Is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon, and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee have leave to sit again?

Hon. Mr. Martin: At the next sitting.

The Hon. the Speaker: It is moved by the honourable Senator Martin, seconded by the honourable Senator McDonald, that the Committee have leave to sit again at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, November 14, 1968, at 3 p.m.

APPENDIX

(*See p. 476.*)

REPORT OF THE ELEVENTH ANNUAL MEETING OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The Eleventh Annual Meeting of the Canada-United States Interparliamentary Group was held from March 20-24, 1968, in Washington and New Orleans.

During the month preceding these meetings, the Canadian delegation held several briefing sessions. Our Inter-Parliamentary Relations Branch and the Department of External Affairs organized the briefing of our delegates and the preparation of background papers on the various agenda topics. Officials from the Departments of External Affairs, Finance, Trade and Commerce, National Defence, External Aid, and Energy, Mines and Resources participated in the briefings. We were also fortunate in having the Minister of Defence and the Minister of Trade and Commerce devote an afternoon to discussing items on the Agenda with members of our delegation.

The Canadian delegation, led by the Honourable Alan A. Macnaughton, P.C., Q.C., arrived in Washington on March 20th at 2.30 P.M., aboard a Canadian Forces Yukon. Mr. Speaker Sydney J. Smith of the Senate, a participant in all previous meetings of the Group, was unable to attend due to illness. Mr. Speaker Lamoureux was also unable to take part as the House of Commons was in session. Their places were taken by two former Speakers, Honourable Alan A. Macnaughton, P.C., Q.C., of the Senate and the Honourable Marcel Lambert, P.C., M.P., of the Commons. The delegation comprised, in addition, the following parliamentarians: from the Senate, Hon. Donald Cameron (Alberta), Hon. L. P. Gélinas (Quebec), Hon. D. A. Lang (Ontario), Hon. H. A. Willis (Ontario), Hon. M. Grattan O'Leary (Ontario), and, from the House of Commons: Mr. James Byrne (British Columbia), Mr. Ovide Laflamme (Quebec), Mr. A. J. P. Cameron (Ontario), Mr. Herb Gray (Ontario), Mr. G. Roy McWilliam (New Brunswick), Mr. H. A. Olson (Alberta), Mr. Gaston Clermont (Quebec), Mr. J. R. Comtois (Quebec), Hon. Alvin Hamilton, P.C. (Saskatchewan), Mr. Wallace Nesbitt (Ontario), Mr. Robert Coates (Nova Scotia), Mr. Heath Macquarrie (Prince Edward Island), Mr. Heward Grafftey (Quebec), Mr. Roger Régimbal (Quebec), Mr. Andrew Brewin (Ontario), Mr. David Lewis (Ontario), Mr. C.-A. Gauthier (Quebec) and Mr. Howard Johnston (British Columbia).

The United States delegation was led jointly by Senator George D. Aiken (Vermont) and Congressman Cornelius E. Gallagher (New Jersey). Other delegates from the United States Congress were: Senators Allen J. Ellender (Louisiana), Michael J. Mansfield (Montana), Russell B. Long (Louisiana), William B. Spong Jr. (Virginia), Quentin Burdick (North Dakota), Bourke B. Hickenlooper (Iowa), John Sherman Cooper (Kentucky), Len B. Jordan (Idaho), Hirman L. Fong (Hawaii), Robert P. Griffen (Michigan); and from the House of Representatives: Mrs. Edna F. Kelly (New York), and Congressmen William T. Murphy (Illinois), Harold T. Johnson (California), Fernand J. St. Germain (Rhode Island), John M. Slack (West Virginia), James Kee (West Virginia), Mark Andrews (North Dakota), Robert T. Stafford (Vermont), Vernon W. Thomson (Wisconsin), John J. Duncan (Tennessee), and Willian S. Broomfield (Michigan).

Representative Thomas E. Morgan (Pennsylvania), Chairman of the House Committee on Foreign Affairs, served as an official observer.

Agenda and Proceedings

The Eleventh Meeting was formally opened in the Old Supreme Court Chamber of the U.S. Capitol with a Welcome to the delegates from Secretary of State Dean Rusk. Following the opening plenary session the delegates divided themselves into two working committees—one on Trade and Economic Matters and the other on Defence and Security Matters. Each Committee met three times.

Committee I

The Committee on Trade and Economic Matters met under the joint chairmanship of Senator Aiken and Senator Macnaughton. Representing the United States Congress were Senators Mansfield, Jordan, Ellender and Burdick and Representatives Andrews, Kelly, St. Germain, Thomson, Johnson, Duncan and

Kee. Representing Canada were Senators Gélinas, Land and Willis, and from the House of Commons, Hon. Alvin Hamilton, Hon. Marcel Lambert and Messrs. Byrne, Laflamme, Gray, Olson, Clermont, Comtois, Grafftey, Régimbal, Lewis and Gauthier.

The Committee considered the following items on its Agenda:

1) Canada-United States balance of payments

2) Post Kennedy round developments

3) Foreign Investment and related Government policies

4) Resource development matters (with particular reference to oil and gas)

5) Automotive agreement

6) Aid to developing countries

7) Trade and Economic relations with Communist countries

8) International Grains Agreement

ELEVENTH MEETING
CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

REPORT OF COMMITTEE I: TRADE AND ECONOMIC MATTERS

1. Canada-United States Balance of Payments

A United States delegate opened the discussion by stating the interdependence of Canada and the United States on trade and monetary matters. He pointed out that agreement had been reached earlier this month exempting Canada from new U.S. restrictions on investment abroad designed to ease the U.S. balance of payments problem, and expressed the hope that the cooperation between the two countries on monetary problems would continue and be effective. A Canadian delegate replies that Canada had a $1.3 billion deficit with the United States and welcomed the U.S. government's action, also expressing the hope that this type of cooperation would continue.

There was considerable discussion about labor-management problems in the two countries. A Canadian delegate expressed the view that the biggest worry for each country is over the possibility of inflationary wage settlements. Members of the U.S. delegation stressed that labor costs in both countries are rising faster than productivity. Canadian delegates pointed out that the lower productivity rate in Canada—due in part to the narrower market base—would create more serious difficulties as the two countries move closer to freer trade relationships. They referred to the recently announced intention of Canadian ministers to inaugurate measures of voluntary restraint and indicated that these would receive full support by the Canadian public. There was discussion by members of both delegations over the indirect impact on Canada of certain U.S. trade and monetary restrictions, such as the interest equalization tax. Canadian delegates expressed appreciation of the special measures adopted by the United States to mitigate the effects of these policies on the Canadian economy, but pointed out that in return Canada has had to adopt certain restraints which may affect its ability to respond flexibly to future international pressures. They stressed that the United States should therefore consider very carefully before it acts how such measures would affect Canada. It was also pointed out by another Canadian delegate that Canada finances a substantial portion of its deficit with the United States through its trade surplus with the rest of the world and not entirely with inflows of U.S. capital. The consensus of both delegations appeared to be that because of the inter-relationship of Canadian-U.S. economic affairs there should continue to be close consultation and cooperation on all matters affecting both countries' balance of payment positions.

2. Post-Kennedy Round Developments

Members of both delegations devoted considerable attention to foreign trade problems, giving particular attention to agricultural trade problems. Several Canadian delegates discussed the impact on Canada of the decline in U.S. farm prices, emphasizing the need for working out arrangements which will protect Canadian farmers from repercussions due to U.S. price declines. It was also pointed out that the U.S. Public Law 480 program has had an impact on Canadian export markets.

A United States delegate stated that it was not clear at this point what direction U.S. trade policy will take now that the Kennedy Round has been concluded but that trade liberalization remains the basic U.S. policy. A comprehensive study of trade policy is now under way in the Executive Branch, he said, and this study will cover exploration of possible special trade arrangements with Canada, such as a North Atlantic Free Trade Area of a Canada-U.S. Customs union. There was considerable discussion by members of both delegations over possible rise of protectionist sentiment in the United States. Members of the Canadian delegation expressed their hope that the free trade movement would continue uninterrupted and expressed fears that pas-

sage of protectionist type measures could have a severe adverse effect on this trend. Several U.S. delegates expressed the opinion that protectionist measures are not likely to become law, pointing out that the President has stated publicly that he will veto such bills.

A U.S. delegate said that American agriculture is in a depressed state and that farmers are quite concerned about trade agreements which seem to be working to their disadvantage. There was general agreement that, contrary to previous hopes, the Kennedy Round had not resulted in freer access to European Markets for U.S. and Canadian farmers.

A member of the Canadian delegation in discussing the outlook for wheat pointed out that there will be great pressure on world wheat supplies in the next few years and that the United States and Canada have a responsibility to work together to try to stabilize wheat prices, since the United States and Canada are the only producers with adequate storage facilities. Talks for this purpose are going on between the two countries now, he stated. A U.S. delegate pointed out that the United States had an unsatisfactory, inefficient arrangement for selling wheat abroad which was neither governmental nor private. To make the system work better, he said, the government should either get more in or more out of the picture. There was also discussion of a number of common agricultural problems, such as those affecting the dairy and beef industries.

A member of the Canadian delegation pointed out that the Canadian government has stated that it would take retaliatory action if the United States imposed border taxes or imposed similar measures and expressed the hope that nothing would develop along these lines. In reply, a U.S. delegate said he could not conceive any such action coming to pass. There was general agreement that movement in this direction would have a very harmful effect on both countries.

3. *Foreign Investment and Related Government Policies*

A United States delegate opened the discussion by stating that it is understandable there should be concern in Canada over U.S. investments. He suggested that discussion on the recent report of the Canadian Task Force on Foreign Ownership and the Structure of Canadian Industry might prove helpful to both countries in clarifying the issues and problems involved. He added that he also appreciated the concern felt by many Canadians over the issue of the extra territorial application of U.S. laws so far as Canadian subsidiaries of U.S. firms are concerned. The basic law governing trade with Communist countries is not likely to be changed as long as the Vietnam war continues.

The most serious aspect of the foreign investment problem for Canada is the extraterritorial application of U.S. laws to U.S. subsidiaries in Canada, a Canadian delegate stated. The measures taken to ameliorate the U.S. balance of payments problem have shown that the U.S. can take steps to remedy its own situation which have unintentional repercussions on Canada. The U.S. should not be surprised if Canada should take steps to remedy Canadian situations which may have repercussions in the U.S.

A U.S. delegate pointed out that large U.S. corporations these days are in effect international or multinational. He said that they often are better received abroad than U.S. Government policies propounded by U.S. diplomats. There followed some general discussion of the growth of large international corporations which it was agreed creates serious problems of control for governments.

Several Canadian delegates indicated that they are not opposed to U.S. investment in Canada and cited beneficial results in specific cases. Canadians accept the need for and value foreign investments.

4. *Resource Development*

A Canadian delegate referred to the agreement reached in 1959 that Canada would continue to import oil, chiefly Venezuelan, but would expect a roughly equivalent export market in the Northwest United States. This situation of parity has not yet been reached but progress is satisfactory. In view of the presently developing exports of Alaskan oil into the Northwest, Canada will hope for expanded markets in the Northeast. He expressed confidence in the competitive machinery for price determination on natural gas but suggested that the two governments should formulate guidelines on this point within which the Federal Power Commission and the National Energy Board could operate.

Members of both delegations discussed new approaches for distribution of natural gas in the Northeast part of the United States. There was also some discussion of new methods being explored in both countries for expanding power production.

5. *Automotive Agreement*

A United States delegate opened the discussion by describing the benefits that have accrued to both countries as a result of the automotive agreement.

A Canadian spokesman also stressed the benefits to both countries. It has enlarged the market for U.S. producers and thus protected thousands of U.S. job-holders. If there had not been such an agreement, Canada would probably have had to move to higher tariffs, quotas and other devices which would have had bad effects in the U.S.A. He suggested that during the review which is now under way in accordance with the terms of the agreement, some of his U.S. colleagues might be tempted to suggest that the safeguards for Canadian production incorporated in the agreement are now unnecessary or should at any rate be modified. He gave three reasons why they are still necessary: (a) U.S. purchasing agents are still not adjusted to taking full advantage of Canadian production; (b) there is still a 20-30 per cent productivity-gap in Canada's disfavor; (c) Canadian producers still have not adjusted completely to different U.S. procedures for inspection, etc.

The U.S. spokesman replied that he was not aware of serious pressure for removal or modification of these safeguards, although it is under consideration whether modification would be desirable.

There followed a discussion of motor vehicle and highway safety standards. A Canadian delegate pointed out that since motor vehicle design is centered in the U.S., Canada is dependent upon U.S. standards in this field. He said that the 1966 Act is a good beginning but that there is still a long way to go. A U.S. delegate replied that the 1966 Act is only the first step. There will have to be a two-pronged attack on motor vehicle safety and on highway safety as well. The second is a complicated issue involving more than one level of government and including problems both of high design and law enforcement. He expressed confidence that progress is being made in all approaches.

6. *Aid to Developing Countries*

A Canadian delegate opened the discussion by saying that in Canada there is a review of the external aid machinery to determine whether Canadian aid is going where it will do the most good. Secretary McNamara's speech in Montreal two years ago wisely stressed the connection between external aid and defense in the broad sense. In Canada there is concern that the global level of aid has gone down at the same time as the GNP in the donor countries has gone up. Since 1960 Canada has stressed soft loans rather than grants and has coordinated its aid with other countries and through the World Bank. The Canadian aid target for 1970 is 1 per cent of the gross national income. At present the aid level is .6 per cent.

In the discussion of the U.S. foreign aid program, it was agreed by the U.S. delegates that the President's aid request for next year would meet considerable opposition in Congress due in part to the heavy costs of the Vietnam war. Though one U.S. delegate feared that the entire aid bill might be rejected, the consensus was that the authorization would be passed at a substantially reduced level.

A Canadian delegate introduced the idea that the time has come to adopt a "multilateral pool" approach to aid. It was suggested that under the bilateral system the donors reap ill-will rather than good and that in a multilateral system it would be possible to blur the distinction between donor and donee since all would contribute something and aid would become in a sense anonymous. The group displayed considerable interest in this idea. U.S. delegates pointed out that much of the opposition to further aid efforts now expressed in the U.S. arises from sensitivity at the seeming ingratitude of the recipients. They agreed that the multilateral approach, probably through agencies of the United Nations, would be helped in this regard. A Canadian delegate described the successful implementation of the World Food Program by the FAO and suggested that a tough international administrator can often take a stronger stand against local peculation or incompetence than is possible for national officials. He suggested that the U.S. and Canada could cooperate in pressing for a multilaterally organized program of international aid.

7. *Trade and Economic Relations with Communist Countries*

Opening the discussion on trade and economic relations with Communist countries, a U.S. delegate stated that Canada and the U.S. pursue different policies. Canada favors increasing trade with all countries but the United States takes a very selective approach to trading with the Communist world. The President has proposed legislation to remove certain restrictions on trade with Communist countries but no positive action by Congress can be expected in this direction as long as

the war in Vietnam continues. He said that he appreciated Canadian concern over the impact of U.S. trade restrictions on Canadian subsidiaries of U.S. firms. Another U.S. delegate said that the attitude of Congress on this issue only reflects the thinking of their constituents.

A Canadian delegate said that the Battle Act did not bother Canadians so much as the Cuban control regulations. He was unable to understand why the U.S. should control the actions of long-time Canadian residents.

There was considerable discussion about trade with Communist China. A U.S. delegate said he had not heard of any U.S. protests over Canadian wheat sales to China and pointed out that U.S wheat exports increased after Canada began selling to China. A Canadian delegate said that they had found their traders very effective in their relationships with the Chinese. Another referred to the effect of subsidized U.S. flour exports in making inroads on traditional Canadian markets expressing the hope that the grains agreement will result in solving this problem.

Members of the Canadian delegation stressed that trade with the Communist world was in the political interests of both the U.S. and Canada. Some members of the U.S. delegation expressed their agreement with this view, stating that one of the most effective means to combat Communism is to encourage growth of consumer demand in the Communist world and a general expansion of trade between East and West. It was said by one U.S. delegate that our trade policy toward China since the Communists gained control had been very ill-advised. As to getting restrictions on trade with Communist countries removed, U.S. delegates agreed that although the President had requested Congress to Act, there was little chance that the Congress would move in this direction so long as the Vietnam war goes on.

A U.S. delegate cited the 50-50 restriction on shipping grain as a factor limiting any wheat sales to the Soviet Union, and said that the longshoremen's unions are very powerful in preventing easing of East-West trade restrictions.

Several Canadian delegates referred to the extra-territorial effect of U.S. trade restrictions on Canadian firms seeking to expand commercial markets with Communist countries. Canadian managers of many subsidiaries of U.S. concerns are reluctant to risk running afoul of U.S. trade regulations. Canadians, they said, believe that commercial decisions should not be influenced by the political policies of the country of the parent. U.S. delegates agreed that U.S. policy should not control actions of Canadian firms.

There was general agreement among members of both delegations that expansion of East-West trade worked to the political and economic advantage of both countries, but that the Vietnam war was a severely limiting factor at present.

8. *International Grain Agreement*

A Canadian delegate opened the discussion by saying that the principal question as Canada sees it is what action will be taken by the United States before July 1 when the new price range for wheat under the IGA comes into effect. Present prices in the U.S are about 22c below the new floor price and Canada is interested to know how the U.S. will approach the problem of getting its prices up to the agreed level.

A U.S. delegate replied that the Senate hearings on the IGA begin next week. There seemed to be general agreement among U.S. delegates that farm opinion in the U.S. is in favor of the IGA and that it will consequently be ratified. The view was, however, expressed by one U.S. delegate that during the past 18 months world wheat marketing had not been working as far as the U.S. was concerned. He thought that the importance of the IGA had perhaps been exaggerated.

Another U.S. delegate asked whether an increase of 22c per bushel in the wheat price would be likely to lead to larger production in other countries such as France and the Argentine. Canadian delegates pointed out that this did not happen some years ago when wheat prices were considerably higher than they are now. In their view, if the United States and Canada stand together it is unlikely to happen at the present time.

Committee II

The Committee on Defense and Security was co-chaired by Congressman Gallagher and Mr. Wallace Nesbitt, M.P. Representing the United States Congress were Senators Hickenlooper, Cooper, Long, Griffin, Fong and Spong and Representatives Broomfield, Murphy, Slack, Stafford and Morgan. Representing Canada were Senators Cameron and O'Leary and from the House of Commons, Messrs. Cameron, McWilliam, Coates, Macquarrie, Brewin and Johnston.

The Committee considered the following items on its Agenda:

1) State of the N.A.T.O. Alliance (with particular reference to the Harmel study)
2) Co-operation for continental defense
3) Policies toward Communist China
4) Vietnam
5) Non-proliferation Treaty

ELEVENTH MEETING
CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

REPORT OF COMMITTEE II: DEFENSE AND SECURITY MATTERS

The U.S. Chairman opened the first session of the Committee on Defense and Security Matters by emphasizing that 1968 was a year for stock-taking and reassessment. He noted the current and forthcoming changes in political leadership in both countries, the urgent public demands by the population for re-examination of policies and the worldwide phenomenon of challenge to the past. He also noted that in 1968 it was necessary to consider the fact that the NATO treaty allowed for reassessment of its existence after 20 years and that the NORAD treaty between the U.S. and Canada was expiring on May 12, 1968. He then suggested that the Committee give its first attention to NATO, to an examination of the changing Soviet threat, the consequences of this changing threat to NATO itself, the demands for a reduction in troop levels, the effects of the non-proliferation treaty and the recommendations of the Harmel Report.

The majority of Canadian delegates supported the view that a new approach to the NATO Alliance was required and had been recommended by, among other things, the Harmel Report which called for positive action of NATO in the economic and political fields in addition to its traditional military role. It was pointed out that the Harmel Report emphasized that one of NATO'S major roles was to coordinate plans for promoting a detente and the question was asked as to whether or not NATO as it exists today can be used for such a purpose.

A Canadian delegate pointed out that although the official Canadian Government position NATO had not changed, NATO had become an alliance leading to considerable moral questioning on the part of the Canadian people.

The U.S. delegation noted the increased Soviet military threat in the Mediterranean; particularly that the Soviet Union had increased the number of submarines in that area and was looking to NATO's defense in southern Europe as the soft part of the world. Italy particularly was reported to be very fearful of the possibility of a Soviet threat. The Soviet submarine fleet had developed greatly increased strength on a worldwide basis and was now able to extend its operations to long distances from its European home base. The Soviets are developing ship-borne surface-to-surface missiles and these could be a threat to surface ships of the U.S., U.K. and Canada.

The Soviet Union was beginning to use naval bases in the United Arab Republic and Syria, and there was a real possibility that it might be able to use bases in Algeria. Soviet technological developments enabled Soviet submarines to transit the exit from the Black Sea without technically violating the Soviet-Turkish agreement concerning the use of the Straits.

There was an interesting review of the apparent Soviet desire to control Middle Eastern oil resources if not for its own use then to deny it to the prime purchasers in Western Europe. One member of the U.S. delegation felt that while the Harmel report's recommendations for a detente were helpful, the new ingredient of an increased Soviet threat in the Mediterranean was so important that it could not be ignored.

Some concern was expressed by the Canadian delegation as to the consequences of control by the Soviet Union over the Middle East oil resources. An agreement seemed to have been reached that such control would create a very significant threat to the economies of Western Europe.

Another member of the U.S. delegation emphasized that the nature of the Soviet threat must also be evaluated in terms of the failure of the Soviet Union to give any indication of a willingness to seek a mutual troop reduction in central Europe despite proposals on this matter. In this connection, members of the U.S. delegation indicated that an assessment of possible U.S. troop reductions was currently in progress and would be discussed during the next few weeks.

One U.S. delegate noted that as far as U.S. troops in Europe are concerned, the recent development of large transport aircraft may make it possible for the U.S. to withdraw some of these troops from Europe and airlift them very rapidly to that continent should they be needed.

A Canadian delegate expressed deep concern about the attitude of the West German Government at this time. It seemed to be moving towards an attitude with respect to NATO similar to that of France.

One member of the U.S. delegation emphasized that when NATO was established, it had not been envisaged that the U.S. would supply the bulk of the ground forces but rather that the U.S. would provide strategic air and naval power with the European countries supplying the bulk of the ground troops. This has not worked out in practice.

It was emphasized that NATO was part of the total defense against the worldwide Soviet threat and the U.S. is required to maintain its strength not only in NATO but elsewhere. The NATO countries have been interested in arms reduction to bring about a detente and in weaning away some of the eastern European countries from central Communist domination. This was all to the good and NATO should be used to lessen global tensions. The U.S. interest in this was not only the interest in lessening global tension but to free U.S. military forces to accept responsibility elsewhere.

The U.S. delegation emphasized that while more could be done by NATO in the political field, the NATO countries should not be lulled into an unwarranted sense of security.

A member of the Canadian delegation mentioned that because of the nuclear stalemate existing in the world today the Soviet Union had shifted its approach and had concentrated on political and economic strategy. It was felt that if NATO remained exclusively military it would not be in a position to respond to much political or economic activity from the Soviet Union.

In closing this discussion, one member of the U.S. delegation said that a reduction of U.S. troop strength in Europe, which would be useful to the U.S. in carrying its worldwide responsibilities, might also be a meaningful gesture in the direction of a detente.

The U.S. Chairman opened the second session by suggesting a discussion of the North American Air Defense Agreement (NORAD). He recalled that the agreement expires on May 12, 1968 and that it was desirable that there be an evaluation of the threat and the weapons available to meet that threat.

A Canadian delegate said that the Government of Canada made clear its intention to renew the Agreement but also made clear that it does not wish to participate in the ABM system.

A Canadian delegate mentioned that he was not opposed in principle to an anti-bomber defense system but questioned whether or not an active anti-bomber defense is warranted in terms of its financial cost. Quoting a recent speech by Secretary of Defense McNamara which mentioned that anti-bomber defense alone could not significantly reduce destruction if an attack occurred, it was mentioned that if such were the case Canada did not think that it could afford the continuation of such an anti-bomber defense system.

It was also pointed out by a Canadian delegate that the major defense of the American Continent was not any of the purely defense measures that are taken but rather the tremendous offenseive power of the U.S. and that therefore an anti-bomber defense system might be quite obsolete in fact.

The members of the U.S. and Canadian delegations reiterated the view that the bomber threat from the Soviet Union continues to be an active threat against the North American continent and that a defense against this threat is as vital as defense against more sophisticated weaponry. Indeed, the U.S. had learned the lesson that a defense against more conventional weapons, in this case the manned bomber, was as important as a defense against more advanced threats.

In this discussion, the members of the U.S. delegation repeatedly emphasized that the U.S. would want Canada to exercise complete sovereignty over its territory; and that it would not wish in any way to impose on that sovereignty if Canada should choose to deny the use of its territory to the joint defense of the continent.

One Canadian delegate mentioned that the East Coast of Canada had no defense system to protect it against Soviet submarines and suggested that the NORAD Agreement might be modified to encompass not only air defense systems but also measures against sea and underwater threats. It was pointed out that although there have been in the recent past seven penetrations into Canadian controlled air space from Soviet bombers there was also evidence that Soviet submarines were positioned around the coast of Canada, perhaps even in the Hudson Bay. This, in the opinion of the Canadian delegate was a much greater threat to Canada than bombers.

In the field of anti-submarine warfare, a member of the U.S. delegation emphasized, U.S.-Canadian cooperation was also essential. There needed to be a true joint effort in the anti-submarine warfare field particularly

in light of the increasing Soviet submarine threat.

The members of the U.S. delegation then reviewed the air and space threat to the North American continent as they saw it. They were convinced, and informed by the U.S. military establishment, that the Soviet bomber threat would continue to exist at least into the mid-70's. In addition to this, the Soviet Union would always have an effective ICBM threat. While members of the U.S. delegation had serious reservations about an ABM system, particularly because of its high cost they recognized that the U.S. had to maintain its research and development in this field as well as in offensive weaponry and considered that the deployment of the so-called thin ABM system was primarily designed to continue effective U.S. development of this weapon. Otherwise, the Soviet Union would have an opportunity to be far ahead of the U.S. in this field. In this connection, the members of the U.S. delegation emphasized that the Soviet Union had refused on repeated occasions to discuss the U.S. proposed mutual limitation on the further development of the ABM/ICBM systems.

In his opening statement a Canadian delegate mentioned that sonner or later the West will have to normalize its relations with mainland China. Who will initiate this move and when was the main question. It was suggested that Canada, because it already has a toe in China because of its commercial relations, could be helpful to the Western world in taking the initiative. The Canadian delegation was unanimous in recommending that formal recognition of mainland China should be arrived at as soon as practicable. Although some members of the Canadian delegation mentioned that Communist China should also be admitted to the United Nations, the majority thought that admission to the United Nations of Peking at this time would be highly disruptive.

A member of the U.S. delegation indicated that hearings on the subject of the future U.S. role in Asia are now in progress and offered to make the record of these hearings available to the Canadian delegation. While the U.S. does not recognize Communist China and has no present intentions to do so, there have been a continuing series of diplomatic contacts between the two countries first at Geneva and most recently in Warsaw. The U.S. has used this channel to indicate to the Communist Chinese that it does not contemplate any military action against them and does not intend to intervene in their internal affairs. The U.S. has attempted to further these contacts by establishing relations in the cultural and journalistic fields but these have so far not met with any positive Communist Chinese response.

The members of the U.S. delegation held that the issue of seating Communist China was presently inappropriate, and untimely, particularly since the efforts to seat Communist China at the United Nations were losing support from other quarters including from some of the African nations. It was also necessary to explore what the effects of recognition would be on China's more immediate neighbors such as India and Burma.

It was emphasized several times that there was no visible indication on the part of China of a desire to establish relations with the U.S. and indeed Communist China had made numerous demands before it would be willing to enter the United Nations. Finally, it was emphasized that in the minds of the American people, any future steps toward recognition of Cummunist China were intimately coupled with the events in Vietnam and there was not likely to be any change until the problems of Vietnam were settled.

There was also some discussion of a possible Canadian recognition of Communist China and of the effects that such a step would have in the United States.

During the discussion on Communist China, one of the members of the Canadian delegation suggested that the Committee seek the knowledge and experience of one of the members of the Canadian delegation who was not present at the time at the meeting. Later in opening a discussion on the Vietnam question the Co-chairman from the American delegation mentioned that the crux of the matter regarding Vietnam was that there existed a number of alternatives or courses of action that could be taken by the United States Government, namely withdrawal of forces, a continuation of the present effort, or further escalation. The Co-chairman called in the Canadian expert to relate his experiences with China and try to combine this discussion with the Vietnam problem. The Canadian delegate mentioned that he was first in touch with the Chinese authorities in 1960 in connection with the cash sale of wheat which was finally ratified in January 1961. He mentioned that Chinese authorities at the time were eager to move out of their self-isolationism and expand commercial relations

with other parts of the world. This was viewed by the Canadian delegate as an opportunity for the American Government to come in with the Canadian Government on the grain sales to Communist China. The Canadian delegate at the time visited with President Kennedy who was impressed by the proposal but later said that the American Government would be agreeable to give China all the grain they wanted if they only asked for it. This was felt unacceptable by the Chinese authorities and the deal never came through.

The Canadian delegate stressed the considerable difference in China between the "politicians" and the "trade" people." The politicians were idealists, believing that the nature of a whole generation could be changed by political action and measures. They were considered very dogmatic whereas the trade people were much more practical and down to earth in their beliefs and dealings.

During a visit to Peking, the Canadian delegate was called in by the Prime Minister, Chou En-Lai, who exposed what were the three main points in Communist China's foreign policy. The first and most important one was the recovery of all territories that China possessed before 1900, namely, territories now held by Korea, Taiwan, and the Soviet Union.

Another objective in their foreign policy was to modify the relationship existing between the major powers and the countries on which they exerted their influence. This applied to both the Soviet Union and the United States of America. The third objective of Peking's foreign policy was to take over the lead in the world Communist movement. Chou En-Lai felt that they were best suited to take that lead because he believed that no white man could understand what it is to be a colored man.

On the Taiwan question Chou En-Lai was reported to have said that the crucial problem was that Taiwan was inhabited by 10 million original Taiwanese in addition to 2 million or so refugees from mainland China. Chou En-Lai accepted the principle of self-determination and mentioned that these 10 million original Taiwanese should eventually have the opportunity to express their views on the question.

The Canadian representative mentioned that mainland China at the moment is getting ready for a big confrontation with the Soviet Union. It was not contemplating any confrontation with the United States at this time but feared it and was willing to fight if need be. It was a significant fact, the Canadian delegate said, that the majority of young Chinese children learned as their second language the English language and also that Chinese have never attacked the Americans, but rather the ruling class of America which they considered imperialistic. The Canadian delegate mentioned that the main difference between Communist China and the great powers stems from the fact that China traditionally has considered itself the greatest culture and the centre of the world and that it resents deeply the cultural superiority of the other great powers.

The Canadian delegate also mentioned and in this also concurred with Americans and other Canadian delegates who spoke earlier, that the cultural revolution had been a failure and that the managerial class seemed to be progressively taking over from the politicians.

The discussion then turned to Vietnam and the U.S. delegation inquired of the Canadian delegate who had related his experience in China whether he had any views that might be helpful to the U.S. in arriving at a termination of the struggle in Vietnam. The Canadian delegate responded by indicating that he thought that the U.S. must establish a dialogue with Communist China and that if China thought that it could obtain what it desired in Taiwan even if this was many years away, it might then put pressure on Hanoi by reducing military supplies to that government and thereby helping to end the war in Vietnam.

One of the Canadian delegates asked the U.S. side to define the current U.S. objectives in Vietnam. A U.S. delegate indicated that it was the objective of the U.S. to find a way of terminating the conflict but we have found no set way of accomplishing this aim. In response to a suggestion as to the possibility of a Korean-type settlement, the U.S. delegate indicated that a Korean-type settlement was entirely acceptable.

U.S. policy was then reviewed and a U.S. delegate pointed out that the policy of the U.S. in Vietnam to resist the aggression from the north had not changed.

A Canadian delegate asked by the U.S. could not accept the suggestion of U.N. Secretary General U Thant that the bombing be

terminated and assume that the U.N. Secretary General was correct in his report that discussions would follow within two weeks thereafter. The U.S. delegate reviewed the results of previous bombing pauses and the frustration which these had meant for U.S. efforts to obtain a peaceful solution. In all cases, North Vietnam had taken efforts to obtain a peaceful solution. In all cases, North Vietnam had taken advantage of the bombing pauses to resupply its own people and the long bombing pause in early 1966 had failed to lead to any meaningful discussions in spite of the fact that all possible intermediaries had been urged to seek a solution. One U.S. delegate pointed out that peace was difficult to obtain with the Communist world. Even in Korea there was no negotiated peace 15 years after the war had ended. Every proposal which had been made had been flatly rejected. One member of the U.S. delegation wanted to clarify that in spite of the dissent and debate currently in progress in the U.S. and particularly in the U.S. Congress, not a single U.S. Presidential candidate was advocating unilateral U.S. withdrawal from Vietnam. This U.S. delegate recapitulated the positions of the two Democratic candidates for the Presidency who are opposed to President Johnson's Vietnam policy and showed that the positions of Senators Kennedy and McCarthy did not involve a unilateral withdrawal but only a reduction in the conflict and a call for greater activity by the South Vietnamese forces. It was pointed out that the major thrust of the Administration's policy in Vietnam was also a reduction in the conflict and a phasing out of the war. So far Hanoi has not responded to this desire.

One U.S. delegate clarified the cause of the frustration of the American people and pointed out that millions of people were involved both with the soldiers in Vietnam and the potential draftees but in spite of these frustrations, it seemed clear to the members of the U.S. delegation that there has to be a meaningful response from North Vietnam before the bombing could simply be stopped. The U.S., it was pointed out, cannot take the intitiative if the other side does not respond. The suggestion that Canada could act as an intermediary if through her contacts she was able to bring about discussions with the North Vietnamese was again reiterated. One member of the U.S. delegation also informed the Committee of the plan suggested by a number of Members of the U.S. Congress for a phased de-escalation of the bombing provided there were verifiable reciprocal responses on the part of the North Vietnamese.

In conclusion, it was recognized that there were no easy, ready solutions to be offered, that it would be necessary to explore every avenue of a possible termination to the conflict and that there was recognition of the desirability, as suggested by one member of the Canadian delegation, of reaching and communicating directly with the Communist Chinese government in Peking.

There was a concensus in the Committee on the part of the U.S. delegation that the U.S. has certainly the will to end the war in Vietnam. So far we have not summoned a way.

The majority of the Canadian delegates indicated great sympathy with the difficulties of the U.S. in Vietnam and indicated that if Canada could be helpful in any way it would be glad to do so.

Visit to the United States Senate

The following is an excerpt from the Congressional Record of the Senate of the United States of America, March 21, 1968.

VISIT TO THE SENATE BY CANADIAN MEMBERS OF THE CANADIAN PARLIAMENT

MR. AIKEN: Mr. President, today the Senate is signally favored with a visit from our neighbors to the north—the best neighbors any country could possibly have.

Certainly our long record of an unfortified frontier, our cooperation with Canada in rendering assistance to less fortunate peoples, and the freedom with which we travel each other's country, should be an example in democracy which all nations could well observe and emulate.

While I am not going to call upon each one of them to make a speech to the U.S. Senate, I am going to read the names of our distinguished guests from the Canadian Parliament so that they will appear in our Congressional Record.

Before escorting them into the Chamber, I assured them that they would be able to see at least three or four Senators. I am very proud to say that they have seen 81 out of 100, which is something of a record and most appropriate to tie in with their visit.

(Here Senator Aiken read into the Record the names of the Canadian delegation.)

Senators will note that I have read the names of several Canadian political parties. They have more than we do. They also have more candidates for Prime Minister of Canada than we have for President of the United States. I believe they have 14 candidates for Prime Minister, and we have four or five candidates for President. So they are ahead of us there.

Mr. President, we are very proud to have our Canadian friends visit us here today. They are attending the 11th meeting of the Canada-United States Interparliamentary Group. We are discussing problems which, in most cases, turn out to be of mutual concern. Our visitors will be in Washington today and tomorrow, and I hope that every Senator will have the opportunity to meet them.

MR. MANSFIELD: Mr. President, will the Senator yield?

MR. AIKEN: I yield to the Senator from Montana.

MR. MANSFIELD: Mr. President, on behalf of the distinguished minority leader, the Senator from Illinois (Mr. Dirksen), and myself, I wish to say, on behalf of the Senate, that we join in the welcome which the distinguished senior Senator from Vermont has just extended to our Canadian colleagues of the House of Commons and the Senate. It is good to have such neighbors among us. We learn more from them, I am sure, than they learn from us. We always find their advice and counsel is valuable. We know that we can expect that in a hard and fast manner and on a bedrock basis. We feel we are the recipients of a basically sound and enduring friendship.

So, Mr. President, on behalf of the senior Senator from Vermont, the distinguished minority leader, myself, and all the Senate, and as a mark of respect and affection on the part of our colleagues, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of having Members of the Senate greet our Canadian colleagues. (Applause, Senators rising.)

THE PRESIDING OFFICER: Without objection, it is so ordered.

Thereupon, at (2 o'clock and 31 minutes p.m.) the Senate took a recess.

Ladies Program

While their husbands participated in the meetings, the wives of the Canadian delegates were escorted on a sight-seeing tour by their American counterparts. After a tour of the Capitol, the ladies visited Mount Vernon before lunch at the Old Club Restaurant. During the afternoon they visited Old Alexandria, including such interesting spots as the Old Apothecary Shop, Ramsay House, Gadsby's Tavern and Christ Church.

On Friday morning the ladies toured the White House and visited Arlington National Cemetery and the Grave of President Kennedy before joining their husbands at Andrews Air Force Base for the flight to New Orleans.

Social Program

The Canadian Delegation were met by their United States colleagues and the Canadian Ambassador at Andrews Air Force Base on arrival in Washington. In the evening a reception was given by the Canadian Ambassador and Mrs. A. E. Ritchie, after which American delegates hosted small dinner parties for their Canadian colleagues at some of the choice eating places in Washington.

On Thursday a luncheon was given at the Capitol by the United States Co-Chairmen, Senator Aiken and Congressman Gallagher. That evening a reception and dinner was given by the United States Delegation at the museum of History and Technology of the Smithsonian Institution. All those present were able to tour the Museum and take advantage of the opportunity to see these renowned exhibits and collections of Americana.

On Friday afternoon both delegations departed for New Orleans. That evening the delegations were guests at a reception given by the Canadian Consul General in New Orleans and his wife, Dr. and Mrs. R. G. MacNeill. After this reception the delegations split into two groups for dinner at two of New Orleans' most famed restaurants—Antoine's and Arnaud's.

The following day the delegations were conducted on an interesting and informative guided tour of the Michoud Facility of the National Aeronautics and Space Administra-

tion. That evening the United States Delegation hosted a dinner at the Plimsoll Club in the International Trade Mart.

On Sunday a tour was provided of the many historic and interesting places in New Orleans and vicinity. In the late afternoon both delegations returned to Washington where the Canadian Delegation boarded a Canadian Forces Yukon for the return flight to Ottawa.

Alan A. Macnaughton, P.C., Q.C.,
Senate.

Marcel Lambert, P.C., M.P.,
House of Commons.

Ottawa,
September 16, 1968.

THE SENATE

Thursday, November 14, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE

Ottawa

14 November 1968

Sir,

I have the honour to inform you that the Hon. Gérald Fauteux, Puisne Judge of the Supreme Court of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 14th November, at 5.45 p.m. for the purpose of giving Royal Assent to certain Bills.

I have the honour to be,
Sir,
Your obedient servant,
Esmond Butler
Secretary to the Governor General.

The Honourable
The Speaker of the Senate,
Ottawa.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, November 13, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1962. (English and French texts).

Report of the Superintendent of Insurance for Canada on Co-operative Credit Societies for the year ended December 31, 1967, pursuant to section 56 of the Co-operative Credit Associations Act, chapter 28, Statutes of Canada, 19[illegible] 2-53. (English and French texts).

FARM CREDIT ACT, FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE

BILLS TO AMEND—AUTHORITY TO PRINT

Hon. Alan Macnaughton, for Honourable Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill C-110, to amend the Farm Credit Act, and Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Macnaughton: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

FARM CREDIT ACT—REPORT OF COMMITTEE

Hon. Mr. Macnaughton, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-110, to amend the Farm Credit Act, and had directed that the bill be reported without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. A. Hamilton McDonald: Honourable senators, with leave of the Senate, on behalf of Senator Everett, I move that this bill be read the third time now.

Motion agreed to and bill read third time and passed.

FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE—REPORT OF COMMITTEE

Hon. Mr. Macnaughton, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-15, to amend

the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Fred A. McGrand moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, November 19, 1968, at 3 o'clock in the afternoon.

BUSINESS OF THE SENATE

Honourable senators, next week we shall proceed with the debate on the motion for second reading of Bill S-3 to amend the Canada Evidence Act. This item has been on the Order Paper for some time, to enable the judiciary, the legal profession, and the general public to examine the bill.

The second reading of Bill S-17, respecting Investment Companies, will be moved next Tuesday. If its consideration is not completed today, the Senate will again go into Committee of the Whole on the third report of the Special Committee of the Senate on the Rules of the Senate.

The debate will continue on the motion of Senator Croll for appointment of a special committee on all aspects of poverty in Canada. Sometime later today I expect to receive from the other place Bill C-124, the Canadian National Railways Financing and Guarantee Act. At least one bill implementing the budget resolutions will reach us at the beginning of the week. There will be divorce petitions, reports and resolutions to be considered.

I had anticipated that the notice of motion given to us by honourable Senator Hayden would have been proceeded with today. I expect Senator Hayden will call the attention of the Senate to certain sections of B.N.A. Act and their effect on the initiation of legislation in the Senate.

Senator Macnaughton will call the attention of the Senate to the Eleventh Annual Meeting of the Canada-United States Interparliamentary Group.

The Special Committee on Science Policy and the Special Committee on the Rules of the Senate will meet, and the Standing Committee on Finance will consider the Estimates. The Standing Committee on Banking and Commerce and the Standing Committee on Transport and Communications will have bills referred to them next week.

Motion agreed to.

NATO

CANADA'S PARTICIPATION—INQUIRY

On the Orders of the Day:

Hon. Allister Grosart: Honourable senators, before the Orders of the Day are called I should like to direct a question to the Leader of the Government (Hon. Mr. Martin) concerning a statement reported to have been made in Brussels yesterday by an honourable senator who represents this house as a member of the Canadian delegation to the NATO Parliamentary Assembly, meeting in Brussels. Senator Lang is reported in this morning's *Globe and Mail* as follows:

> Liberal Senator Daniel Lang, coordinator for the Canadians on the parliamentarians' military committee, said in an interview: 'The equivocation of the Canadian Government in connection with our position in Europe already has discredited us in the eyes of our allies.'
>
> 'Any continuance of this equivocation through a limited future commitment will increase the distrust of our allies,' he added.

I read further from the *Globe and Mail:*

> Senator Lang said the Trudeau statement 'couldn't have come at a more inopportune time.'

Before putting the question, may I with leave make a very brief explanation so that my motive in asking this question will not be misunderstood. I have great respect for Senator Lang, and particularly for his views on this very important matter of Canadian participation in NATO.

I have read the statements made by the Prime Minister very carefully. I have also read the press accounts of those statements and it seems to me that the two do not exactly coincide. I can only presume that Senator Lang's statement was based on the press account rather than on the actual statements made by the Prime Minister. I might say that similar critical comments were made by at least one other of the Canadian delegation.

I make this statement about the difference between the statement made by the Prime Minister and the press accounts, because I find nothing in the Prime Minister's words which would suggest that the Canadian Government, at this particular time, has decided or is considering withdrawing or downgrading our Canadian commitment to NATO. What he seems to say, as I read it, is that there is a review of our total foreign policy under way. This was announced in the Speech from the Throne.

As I understood the Prime Minister, he said that pending the receipt of the report of the committee reviewing this particular aspect of our foreign policy, and pending the announcement of a decision by the Government, our delegation in Brussels had been instructed, and understandably so, to make no commitments as to Canada's future role in NATO. Perhaps this is wishful thinking on my part. However, that is the way I read the Prime Minister's statement.

Would the honourable Leader of the Government, if it suits his convenience at this time, give this chamber a statement of current government policy in respect to our commitments to NATO as they now stand.

Hon. Paul Martin: Honorable senators, when Senator Lang directed our attention a few weeks ago to the last meeting of NATO parliamentarians which he attended, I outlined the policy of the Government with regard to our participation in NATO. I dealt with our record to date, and I mentioned at that time that we were engaged in a reassessment of our position. It is the duty of the head of the Government of Canada to indicate to Parliament and the Canadian people its intentions with regard to all aspects of foreign policy. It is not the fault of the Government if conclusions are reached with regard to statements made by any member of the Government. The Government is engaged now in the reassessment of its participation and obligations under the North Atlantic Treaty Organization. We have not concluded this assessment and therefore it would be wrong to draw conclusions one way or another as to our future intentions.

The Prime Minister made clear some weeks ago that we intend to observe our commitments. So, the situation really is that no drastic move forward or backward at this time is to be assumed from the survey or assessment which is being made.

If I understood correctly what Senator Grosart said, he has stated the position correctly. We are examining now our position in NATO and until that assessment has been completed there is nothing further that I can add.

Hon. Mr. Choquette: Is that what he refers to as equivocation?

Hon. Mr. Martin: I do not think there was any equivocation on the Prime Minister's part.

Hon. Mr. Choquette: I know, but Senator Lang did use that word, as I understand from the paper.

Hon. Mr. McDonald: Do not believe all you read in the paper.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT FURTHER CONSIDERED IN COMMITTEE OF THE WHOLE—DEBATE CONTINUED

Pursuant to an order of the day, the Senate resumed from Tuesday, November 12, consideration of the Third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, may I call your attention to paragraph 4 on page 3 of the report. Does paragraph 4 carry? Honourable Senator Roebuck.

Hon. Arthur W. Roebuck: Honourable senators, before entering upon the task which is on my hands at the moment, I would like a clear understanding with my many friends in this chamber, that I have no personal axe to grind in the work that I have done or in what I propose to say. It was mentioned that I would speak for an hour and a half or more. I assure you it will not be that long, but I do ask that you give me such attention as you can and bear with me for the time I do spend.

It was suggested or implied that I wished to carry on the work of the Senate Standing Committee on Divorce, and in that way that I have some personal interest in the matters before us now. I can assure you that is not at all the case. It was pictured—rather jocularly, perhaps—that Senator Croll and I were proposing to stand on Parliament Hill calling in the multitude who seek bills of divorce. If that fictional situation ever does arise, honourable senators, I shall move that

the Acting Leader of the Opposition (Hon. Mr. Choquette) be chairman of the Senate Committee on Divorce.

I think I have no reason to apologize for having a special interest—not a personal interest at all, but a special interest in this matter. I have borne the burden of this committee for the past 15 years, and I have not counted the hours I have spent.

During the last two sessions, up until July 2 of this year, I was chairman of the special committee that produced the monumental report on divorce which has resulted in the greatest social reform that has taken place perhaps in the last hundred years. That reform will affect the lives of more people in Canada than any other legislation passed in Canada, with the exception of welfare legislation.

I have been rather proud of the fact that it was the Senate's initiative and drive which carried this into effect and brought about the situation which now exists, where the administration of the laws of divorce of Canada are being carried out not in this chamber but in the courts of the 10 provinces of Canada. That is something which 20 years ago, or even three or four years ago, would have been considered absolutely impossible.

Honourable senators, in 1967 I had to read 500 reports of divorce cases. This year there will probably be more than that. Any idea that I want to continue in that work, is baseless. Those reports of the judges on an average occupy a page and a half of foolscap paper, single spaced, and each line must be checked to see that every point required is covered properly and sufficiently before it is approved and laid before this house.

He would be very much mistaken who would think I want to carry on that work just for fun. Of course there is no remuneration in it, other than what we draw as our indemnity. We do it just so that it will be a properly done job, as it has been done for the last 15 years.

I am very happy that we are now practically, if not fully, discharged of that heavy duty carried by this chamber for the last 100 years, a duty which has grown in intensity and burden very greatly in recent years. I hope I have made it understood that I have no personal interest whatsoever, more than any other person in this chamber, with regard to actions which the chamber may take at this time. So far as the future is concerned, I shall be very happy indeed to be free of the heavy burden and responsibility which I have so long borne.

Now, Mr. Chairman, I think we got as far as paragraphs 4 of the report. But in order to consider intelligently the paragraphs that follow paragraph 4—which proposes to repeal standing rules 133 to 152 and the forms which are subjoined with those rules—we must necessarily consider also paragraph 5, which repeals the balance of the standing rules, being rules 153 to 195 and the forms that are subjoined to those rules. We must also consider paragraph 6, which repeals Standing Rule No. 23, item (ff) requiring two days' notice for the adoption of resolutions of the Senate dissolving or annulling a marriage pursuant to the Dissolution and Annulment of Marriages Act. In addition we must consider paragraph 7, which saves rules 153 to 195 as they apply to petitions filed under the Dissolution and Annulment of Marriages Act—that is, prior to July 2, 1968. That wording is made necessary by sections 25 and 26 of the most recent Divorce Act, which repeals the Dissolution and Annulment of Marriages Act except as applied to petitions filed before the coming into force of that act and before the coming into force of the Dissolution and Annulment of Marriages Act.

Some of you understand what I am saying, but it must go on the record; for the others who are not so familiar, I hope they will follow me. It is under the saving grace of section 25(b) of the Divorce Act that I have been presenting petitions and moving resolutions by the hundreds since we assembled in Parliament on September 12 last.

We must also apparently consider paragraphs 8 and 9 of the report. Paragraph 8 repeals standing Rule 110, which consists of two parts. The first paragraph which, according to the report, is to be re-enacted is slightly altered in language. It is not an important change. The second paragraph is repealed outright. It is not re-enacted in the recommendations. That paragraph which is to be repealed and not re-enacted provides that certain standing rules do not apply to bills of divorce or to petitions for such bills.

Let me state it again so that you will get it clearly in your minds. The second paragraph of Rule 110 provides that certain rules shall not apply to petitions for divorce or bills of divorce. Accordingly, were this report adopted as it stands, these rules would thereafter apply to divorce, and I presume would substitute for those standing rules which the report suggests we repeal.

Now the standing rules thus made applicable to divorce are Rules 107, 110 and 111 to 122. Let me pause to consider paragraph 4, which would repeal Standing Rules 133 to 152 and the subjoined forms. These are the rules which were in force prior to the passage of the Dissolution and Annulment of Marriages Act in 1963. These rules were with respect to petitions for private bills of divorce, as they remained in force concurrently with the Dissolution and Annulment of Marriages Act, and are still in force and have been in force for many years prior to the passage of that act.

Senator Fergusson, to whom I wish to pay tribute because she has so often assisted me as chairman, said in a speech on the subject that we may in the future have petitions for bills of divorce with which we must deal, or we may have none. That of course is the situation. Nobody can see into the future. But when you consider that we have 10 provinces and each of those provinces has separate courts acting under rules which they themselves have formulated, no one can say how many times citizens of Canada may appeal, as it were, from these courts to us, not having had satisfaction in the lower courts. This form of appeal has been the right of British citizens for the last 300 or 400 years—the right to appeal, as they say in rather picturesque language, to the foot of the Throne. The foot of the Throne in this case is the Senate.

Hon. Mr. Aseltine: Why the Senate alone?

Hon. Mr. Roebuck: Because that has been the traditional way in which bills of divorce have been dealt with.

Hon. Mr. Aseltine: They do not have to be done that way. A private bill can be introduced in the other place.

Hon. Mr. Roebuck: I doubt it. I do not know that we need to argue it, because it does not come into the picture now. No one has done that in the last fifteen years.

Hon. Mr. Aseltine: It is cheaper to come to this house.

Hon. Mr. Roebuck: Then that is a good reason for petitioners to come to this house in the future. But whether they come to the other house or to us, if they are passed by the other house, then they come here and we have to deal with them in the ordinary course. So, I say that we must be prepared to deal with bills of this kind which may come to us because of eventualities which neither I nor anyone can forecast. If they do come to us, we must be prepared to deal with them in the future as efficiently as we have done in the past.

I disagree with the idea which seems to prevail in places, that there is something unclean and undesirable in this family litigation called divorce, and that all we have to do is to turn out the light and it will go away.

Hon. Mr. Croll: It happens that way, does it not?

Hon. Mr. Roebuck: We sometimes turn out the light for them, and later on they turn on the light, and perhaps a more brilliant light for their future.

Honourable senators, for the last hundred years this Senate has furnished a competent divorce court, first for the Province of Ontario and the Province of Quebec, and then, more recently, since Newfoundland joined Confederation, for the provinces of Quebec and Newfoundland. With the passage of the new Divorce Act the need for this service has diminished but, as I have just argued, it has not quite ended and we do not know how close it is to ending. Everyone must agree with me that the doors of Parliament must be ever open to the citizens of Canada for any form of petition, divorce included. It has been so in the Parliament of Great Britain; it has been so here. We must never close the doors on our citizens for any grievance they may have, or think they possess. Then, as I have said, should someone petition the Senate for divorce, we must meet the challenge efficiently.

The report itself recognizes marriage and divorce to be within our jurisdiction, and it refers such matters to the Legal and Constitutional Committee. But it seems to be the purpose of the report to wrap up petitions for divorce and bills of divorce with all other petitions for private bills in just one package.

Let me point out the difference between the incorporation of a company and the dissolution of a marriage. We can amend the Bank Act or we can approve a railroad extension without notifying the respondent and the co-respondent. In divorce proceedings, which may proceed to an Act of Parliament, a court trial must be held in which the parties and their witnesses are heard under oath and, of course, under rules of evidence and, under rules of procedure. The rules of evidence are laid down in the statutes; the rules of procedure we lay down. It is essential that we have these rules if we wish to deal justly between

party and party—not forgetting the children. This is a judicial proceeding and the courts have always been guided and have guided others with carefully drawn rules, and so have we.

The judges in all the provinces have diligently formulated rules of procedure since the passing of the recent Divorce Act. I said I will let you see the rules adopted by the Province of Ontario. The Chief Justice of Ontario very kindly sent me a copy of these rules while they were being drawn, and I answered his invitation to discuss them with him. But you see what the courts have thought necessary for their guidance and for the guidance of those who apply to the courts of the Province of Ontario under the new divorce act, which is now in force in that province and elsewhere.

Under those circumstances, I submit to the house that for us to repeal all our specially designed and relevant rules respecting divorce, to say the least, would be unrealistic. It's my submission that, notwithstanding this report, we must not repeal our specially designed and relevant rules. As Senator Fergusson said, I am opposed to what paragraph 4 suggests—that is, the repeal of Rules 133 to 152, inclusive, and the subjoined forms.

Honourable senators, let me take a moment to consider with you what we would do were we to repeal those rules. At page 74 of the Rules of the Senate there is provided a general form of petition for those who wish to apply to the Senate of Canada for divorce relief. This is for the guidance of members of the profession and their clients. First they must prove the marriage. That is usually the first point that is cleared when the parties appear before the committee or the Commissioner. The next point to be proved is domicile; the third, where the parties reside and their addresses—

Hon. Mr. O'Leary (Antigonish-Guysborough): I am sorry, senator, but what was the first point?

Hon. Mr. Roebuck: The first matter to be proven is that the parties are lawfully married, and the second, whether they are domiciled in Canada. Thirdly, the committee must know where they reside; fourthly, that they lived and cohabited, and what issue, if any, there are living—that is always important—and then the grounds, which now will be very much wider. In the past the charge was that the respondent had committed adultery, and the particulars such as the time and place and that sort of thing had to be given. All of this specifies clearly the issue to be tried. If the adultery alleged is with a person unknown, we sometimes allow a petitioner to proceed without naming a co-respondent; otherwise the person must be named.

Then, we require an affidavit verifying the allegations in the petition.

Hon. Mr. Aseltine: That is not done in the courts any more.

Hon. Mr. Roebuck: We have always had that.

Hon. Mr. Aseltine: It is not necessary any more in the courts of the country, so why should we have it?

Hon. Mr. Roebuck: That might be considered in the revisions I am going to suggest.

Hon. Mr. Aseltine: I have handled several cases in Saskatchewan, and I know that has been done away with.

Hon. Mr. Roebuck: Saskatchewan, you know, is a very special province.

Hon. Mr. Aseltine: We are right up to date.

Hon. Mr. Roebuck: Well, I am not going to waste time on that. An affidavit has been used by us for a hundred years.

In addition, there is the information which the petitioner must give to the respondent. The petitioner must state the address at which he or she resides and where notices and letters may be delivered, the name and address of the solicitor representing the petitioner, where all notices and papers may be served. The form then provides:

> If you desire to oppose the granting of the Divorce prayed for by the petition of which the document annexed hereto is a true copy, you must within thirty days from the date when this copy is served upon you send a notice to that effect to the Clerk of the Senate of Canada, Parliament Buildings, Ottawa, Canada, and to the solicitor for the petitioner...

The respondent or co-respondent must state his or her actual residence, his post office address, the name and address of his solicitor, and give a concise statement of the material facts upon which he—the respondent or co-respondent—relies in answer to the petition. "If you do not do that," says the notice, "a bill of divorce may be passed without further notice to you."

When the petition is by a husband for a divorce from his wife, and if the wife shows to the satisfaction of the committee that she has not the funds with which to pay for her defence, or has, as it says here, "not sufficient money to defend herself", the committee may make an order that the husband shall provide her with the necessary means to sustain her defence.

Honourable senators, can you imagine someone coming to us for a divorce when no rules exist? Would we hop around like chickens with our heads off? What would we do about it? Would we ask the chairman of the committee responsible at that time to furnish all of that information which we have found to be essential in the conduct of our affairs over the last many years? If so, how would he provide it?

At present all members of the profession have copies of the rule book, and they know exactly what is required of them and of their clients. It is suggested in this report that we abolish all that, and leave ourselves open to looking foolish when in the future someone comes and asks us what is the procedure laid down for an application to the Senate. Honestly, honourable senators, it would make the Senate look foolish. And why? What would be the idea of abolishing rules such as those when there is the slightest possibility of an application coming to us which would have to be dealt with?

I shall proceed on the assumption, and with some little confidence, that this chamber will not do what is suggested in this report; that we will not abolish these rules, although we may revise them to some extent, and I suggest that is a task for our experienced counsel and some small select committee or subcommittee. I would also be bold enough to suggest that it be done in association with those who have had some experience in the matter of divorce, although not me necessarily. After all, my honourable friends, I drew up the rules under the Dissolution and Annulment of Marriages Act in association with our counsel, and they have been effective during the five years they have been in force. Now it does seem to me unreasonable that I was not consulted about this report and these proposed changes in the rules. I saw them for the first time when we moved into Committee of the Whole. I can hardly imagine anyone drawing up a new set of rules for divorce with the chairman of the committee, of fifteen years' standing, having no knowledge whatsoever of what was being done until a report is on the floor of the house.

Hon. Mr. Molson: Would my honourable friend permit a question?

Hon. Mr. Roebuck: Yes, but you will have plenty of time for reply later.

Hon. Mr. Molson: It is not a question of reply. It is merely that you remarked the other day that I had had the courtesy to call on you two days before the report and say what the committee had done.

Hon. Mr. Roebuck: My friend is perfectly correct in that. He did come to my office, I appreciated the courtesy, and stated so on a previous occasion. He asked me what my view would be on abolishing the Standing Committee on Divorce and referring the matter to some other committee which he described. I agreed with that because I thought it unwise to have a standing committee which may or may not be utterly negative. I thought it would be wise to have a committee with plenty to do outside of divorce, if there were no divorce. I agreed to it and said I would like to have an understanding that the present members of the Standing Committee on Divorce, who have served with me for so very long, and among whom we have established a certain friendship and esprit de corps, be members of that new committee. Senator Molson, of course, had no authority in that regard; that would be something for the leader and others to take care of later. I think he thought I was reasonable in that, and saw no objection.

That is as far as we went. The question of the rules now before us in a report and the abolition of the rules to which I have been speaking was never referred to, and I knew nothing whatever about it until we were on the floor of this chamber. However, I have no complaint. I am only pointing out that I did not take any responsibility for what is in that report, and I think it was an extraordinary thing that it should reach this house without my knowing anything about it.

Hon. Mr. Molson: I am sorry, Senator Roebuck, but you did know something about it. I told you what the committee was proposing, and I said it was the elimination of these rules in Part III and Part IV. You have forgotten, sir.

Hon. Mr. Roebuck: We all forget at times and I will let it rest at that, that I forgot it. It does not seem likely, but I take my friend's word for it.

Now let me read Rule 110. The rule as re-drawn requires that all bills be filed with

the Clerk of the Senate within the first six weeks of the session. I would point out that Rule 138 also does that, so that feature of this rule is redundant. Rule 110 as re-drawn provides:

> —every private bill originating in the Senate shall be presented to the Senate within two weeks after the petition therefor has been favourably reported upon by the Examiner of Petitions or by the Committee on Standing Orders.

We have all had a good deal of experience in these matters. In the past, when a petition was presented it was referred automatically by Rule 133 to the Standing Committee on Divorce. An officer of the Committee's Branch, who is thoroughly trained in that regard goes over the petition and if there is any insufficiency or mistake he points it out. If he and the lawyer filing the petition cannot agree, over the last five years there has been an appeal to the Commissioner and from the Commissioner to the committee. Under the old rules, which we are now discussing, if the officer and the lawyer disagreed there was an appeal to the Standing Committee on Divorce.

What has the Committee on Standing Orders to do with a petition of divorce, which according to this report is within the jurisdiction of the Senate Committee on Legal and Constitutional Affairs? Can you imagine dividing responsibility for divorce between two standing committees, one of them to take care of I don't know what and the other to butt in when there is a disagreement between an official and the lawyer. It is not realistic, honourable senators.

Let me give you the substance of Rule 133, under which we have acted for all these years. Under that rule:

> All petitions for divorce and all matters arising out of petitions for, or bills of divorce—

were referred automatically to the Standing Committee on Divorce. This has been the practice from time immemorial, and if the proposed Senate Committee on Legal and Constitutional Affairs is to have divorce jurisdiction, then divorce petitions and related matters should go to that committee and not to some other committee, and they should be examined by somebody under the jurisdiction of that committee.

Then what has this two-week limit to do with divorce bills, two weeks after they are favourably reported upon by the Examiner of Petitions, who I presume is Mr. Batt, the chief of the Committee's Branch? In the past he appointed one of his staff, and that arrangement has worked perfectly satisfactorily. This rule says that after he makes a report of some kind to the Senate, the divorce bill must be presented. As honourable senators know, a divorce bill is frequently presented to the Senate months after the petition has been filed and been approved by the officer in question. A trial takes place in that interval to which witnesses are called. The reports in the old days were made by the committee to the chamber, and the bill came after that. What is the sense of this rule? It just has not any application whatsoever to a system of divorce.

Paragraph 8 of the report, dealing with Rule 110, states:

> ...no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on Standing Rules and Orders recommending such suspension.

Now, every person in this chamber knows that I have moved for the suspension of rules perfectly freely for years, and on many, many occasions. The idea that I should first go from the Divorce Committee, or the committee later on having jurisdiction in divorce, to the Committee on Standing Rules and Orders, to obtain a recommendation from them before I could move here in the house, is just positively ridiculous. The rule in question was never intended to apply to divorce. It is altogether unfitted for the guidance of divorce proceedings. Such a provision may be applicable to ordinary private bills, and that was what it was intended for, but it is altogether out of line with divorce procedure.

Let us pass on to Rule 111 (1). This makes the Chief Clerk of Committees the Examiner. That is perfectly all right. This is similar, but much better drawn and covered as regards divorce by Rule 142, so that the proposition is being stated in two places, and in somewhat different words. In Rule 111, as drawn in the report, it is redundant and unnecessary and should not be allowed. A special clerk in the committees branch is specially assigned to this work and should be so assigned in the future, as he is well informed and well experienced. Rule 111 (2), as it now stands, is made not applicable to divorce.

It says so in the rule itself, or did before it was redrawn. But this is dropped in the report's redraft. So, if the report is adopted, Rule 111 would in future apply to divorce—though it never has in the past. This report is

to be made direct to the Senate—you will observe that—direct to the Senate, in each case.

Then Rule 111 goes on to say that should the examiner find insufficiency, or if the sufficiency is in doubt, he reports to the Committee on Standing Rules and Orders. Well, could you fancy, honourable senators, being a member of the Legal and Constitutional Committee, to which is referred all matters arising out of divorce petitions—could you imagine being a member of that committee and finding, in the midst of your work, that some question of doubt as to the sufficiency of a document shall be referred to another standing committee? And that other committee reports, not to the committee having jurisdiction but to the Senate with its recommendation. That is all right as far as private bills are concerned—that is what this rule was drawn for—but to drag it into a divorce rule is just ridiculous.

Rule 142, as it stands at the moment, convers this situation completely. The chief clerk of the committees examines the petition and all other relevant documents and may require, so the rule says, that the deficiencies be remedied. Then, if there is a disagreement between the applicant and the official, there is an appeal at the present moment, under the Dissolution and Annulment of Marriages Act, to the commissioner, and from him again to the committee. Under the rules which we are now discussing there is an appeal from the clerk to the committee—usually handled, I presume, by the chairman—a very simple, very effective and very proper procedure.

Not only so, but Rule 142 has its counterpart in Rule 165, that is, the rules under the Dissolution and Annulment of Marriages Act. I submit that Rule 142 should be continued, with any corrections that may be necessary because a new act has been passed and should be taken into consideration when we revise the rules. I do not know if any small changes are necessary.

So, I submit that Rule 111 should not refer to divorce.

Honourable senators, let me take up some other rules which previously had no reference to divorce and which are now read into this report. The next one would be Rule 112. It says:

> No motion for the suspension of the rules upon any Petition for a Private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders.

Well, gentlemen, as I have already said, this rule did not in the past apply to bills of divorce, and I have so moved on numbers of occasions on behalf of the Divorce Committee. This rule did not apply in the past: it should not apply in the future.

According to Rule 113:

> Every Private Bill is introduced on Petition, and presented to the Senate after the Petition has been favourably reported on by the Committee on Standing Orders, or the Examiner of Petitions.

I need hardly comment on it. What I have said to the other rule is sufficient.

Rule 114 provides that:

> Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate, and the printing of 600 copies in English and 200 in French. The applicants shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is referred, a sum of $200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the Clerk of such Committee...

Hon. Mr. Molson: Mr. Chairman, on a point of order, the committee report does not contain any reference to a rule beyond Rule 111.

Hon. Mr. Roebuck: Oh, yes, it does. I read the second paragraph of Rule 110:

> This Rule,—

That is, Rule 110—

> —Rule 107, and Rules 111 to 122, both included do not apply to Bills of Divorce or to Petitions for such Bills, except in cases where no special provision is hereafter made, and which fall under Rule 151.

The last two lines mean little. I can go into them, if necessary. But I call your attention to the wording: "This Rule"—that is, Rule 110—"Rule 107, and Rules 111 to 122, both included, do not apply to Bills of Divorce...". Now, as I have already told you Rule 110 is to be repealed, by the report. You have the report before you and you can see it. Then the first paragraph of Rule 110 is redrawn. The second paragraph of Rule 110 is

not redrawn, and not thus recommended to be re-enacted. So these rules to which I have now referred are made applicable now to divorce—when previously they were not applicable to divorce.

That is my submission, and my friend can answer it later on. I hope he will be able to make good his case, because it is ridiculous as it stands.

Hon. Mr. Molson: On a point of order, Mr. Chairman, paragraph 8 reads:

> Standing Rule 110 is repealed and the following substituted therefor:...

The reiterated part substituted corresponds to paragraph (1) so the second paragraph does not exist in the recommendation of the committee. So it is not applicable.

Hon. Mr. Roebuck: So the second paragraph is repealed. It says so. However, that is my submission and, as I have already said, when I am through making this statement—which I am sorry takes so long to make, although that is not my fault—this matter is then in the hands of the house and I have no further personal interest in it any more than anybody else, though I do not want the Senate to look foolish.

All I have to say about Rule 114 is that it is entirely out of line with the rule under which we have acted for so long. The rule in question is Rule 140. There may be some slight revision required in Rule 140. I do not know. But it should continue to govern in petitions for divorce as it has in the past, and Rule 114 should not apply to divorce.

Rule 115 says:

> Any Private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

Well, it would be a sorry situation, would it not, if every bill of divorce—and they may come here by the hundreds—were passed over the head of the committee having jurisdiction and sent to another standing committee to find out whether it was constitutional. Within my memory, we have never had raised a question of the constitutionality of a bill of divorce or a petition of divorce. If we did have one, I fancy that no persons are better qualified to determine the constitutionality of the matter in question than the members of the committee having jurisdiction in divorce. Of course Rule 115 should not apply to divorce.

Hon. Mr. Molson: I think I have said that Rule 115 has not been reported on.

Hon. Mr. Roebuck: And I have said that it has been reported on. There is a clash there and my friend can reply at great length later on if he so desires. I hope it will not be necessary for him to speak as long as it is necessary for me to speak, but I have made it clear that so far as my understanding is concerned Rule 115 has been reported on and made applicable to divorce.

Hon. Mr. Molson: Rule 115 may be amended by the committee. In fact, that is the recommendation at the moment. That is why I say it is not reported on in this report.

Hon. Mr. Roebuck: Now that we have disagreed on that, let us leave it. I am sorry to take so long, but I am not going to allow the record to be deficient in these matters, no matter how long it takes.

Rule 116 is as follows:

> At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such Bill expressed in the Order of Reference.

Well, honourable senators know that there are provisions in the Judicature Act for the Senate to refer any matter to the Supreme Court of Canada for a ruling. We have never thought of doing so in connection with a divorce. I am thoroughly confident that we never will. This was drawn with the idea that it would apply to private bills but not to bills of divorce, and it should not now be so applied.

Rule 117 says:

> Every Private Bill, after its second reading, is referred to one of the Standing Committees on Private Bills; and all Petitions before the Senate, for or against such Bill, are considered as referred to such Committee.

Are we going to refer these bills and petitions to the legal committee or to the Committee on Private Bills? That rule is intended for ordinary private bills, but divorce bills go automatically to the Divorce Committee.

Rule 118:

> Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Standing Orders in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee.

So we have got in still another committee. It is utterly inapplicable.

Rule 119 is as follows:

> No Committee on any Private Bill originating in the Senate (of which notice is required to be given), is to consider the same until after one week's notice of the sitting of such Committee has been posted up in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours' like notice.

If you will read the rules, gentlemen, you will see that such bills are referred to the Standing Committee on Divorce and taken care of in the usual way. They are not and should not be referred to any other committee.

Rule 120 is:

> A book, to be called the "Private Bill Register," shall be kept, in which book shall be entered by a clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book shall be open to public inspection, daily during office hours.

Of course we have never filed Senate divorce bills in that manner. We have our own extensive files and our own indexes. This would be quite a new procedure and utterly inapplicable.

Rule 121 says that:

> The Clerk shall cause lists of all Private Bills, and Petitions relating thereto, to be prepared daily by the clerks of the committees to which the same are respectively referred; and the time when and the room wherein each committee is to meet shall be specified in such lists, which shall be hung up in the lobby.

You know that is not the way we handle these bills. Nor have we ever handled them that way. We give notice to the parties, the petitioners, the respondent and co-respondent, or co-respondents, of the time and place where their case shall be heard. If it is posted up in the lobby, it is entirely additional to the real procedure which is to give the parties personal notice of our sitting.

Rule 122, which is the last one in this classification, is as follows:

> All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Select Committee to which such Bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a company—

That is an ordinary private bill, honourable senators, not a divorce bill.

> —may require proof that the persons whose names appear in the Bill, as composing the company, are of full age—

What has that to do with divorce? Those rules which I have just read should not be made applicable to divorce and the second part of Rule 110 which I have also just read should not be repealed.

In paragraph 5 of the report you will find it is recommended that rules 153 to 195 with their subjoined forms should be repealed. These are rules enacted under the Dissolution and Annulment of Marriages Act.

Hon. Mr. Aseltine: You are not going to finish today.

Hon. Mr. Roebuck: I am going to finish this if it takes a week.

Hon. Mr. Choquette: I think this is an appropriate time to ask a question, if you will permit it. Since the divorce laws have been changed in the 10 provinces, has a petition for divorce been received by the Senate or the House of Commons? That is one question. My second question is: Do you agree that if a party petitions Parliament for a divorce or an annulment, the remedy if given will have to be given by way of a private bill which will be assented to by both houses? Do you agree with those two propositions?

Hon. Mr. Roebuck: The answer to the first question is "No", and the answer to the second question is "Yes".

Hon. Mr. Choquette: That is what I thought. When you ask a question it is because you know the answer.

Hon. Mr. Roebuck: Now I was pointing out that the report recommends the repeal of rules 153 to 195, together with Rule 23, subrule (ff). That latter one requires two days' notice for the passing of a resolution under the Dissolution and Annulment of Marriages Act and, as I said, the other rules are with respect to that act. These are the rules under which I have been presenting petitions and moving resolutions by the hundreds.

Hon. Mr. Aseltine: Would not resolutions be ruled out? If a bill or a petition for a bill of divorce is brought in in the future either to the House of Commons or to the Senate, these rules or references to resolutions will not apply at all.

Hon. Mr. Roebuck: Quite right.

Hon. Mr. Aseltine: Then why deal with them?

Hon. Mr. Roebuck: Because we are now dealing with the report.

Hon. Mr. Aseltine: But do we not want to get rid of them?

Hon. Mr. Roebuck: As I have told you, we have been moving resolutions under those rules and that act ever since we reassembled on the 12th September last, although the new act came into force on the 2nd July. Not only that, but there are at least 100 petitions—

Hon. Mr. Aseltine: Did not the new act provide for that?

Hon. Mr. Roebuck: Yes, and our rules provide for it, and it is recommended that these rules be repealed.

Hon. Mr. Aseltine: After you finish up all the arrears of cases only.

Hon. Mr. Roebuck: And we have not yet finished them. If my friend will allow me to proceed—

Hon. Mr. Aseltine: They go out when the cases are all finished.

Hon. Mr. Roebuck: You and I have no argument whatever.

Hon. Mr. Aseltine: Why debate it?

Hon. Mr. Roebuck: That is for me to judge. I have very little objection to the repeal of these rules, because in the Dissolution and Annulment of Marriages Act you will see that:

> This Act shall apply in respect of any petition for the dissolution or annulment of marriage presented to the Senate of Canada, and not reported upon by the Senate Standing Committee on Divorce before the coming into force of this Act.

That is what my friend is talking about. In actual practice no one of us knows how far back they will go, or how long something under that act may occur following a petition presented at some time. We hope that we will conclude the work, as Senator Aseltine has suggested, before Christmas, and there may be a number of bills to be presented after Christmas, after the paper work is done during the holidays. But after that, when we have come to the conclusion of the hundred or so petitions we have before us, no one knows what may arise after that. We have about 30 opposed cases which are now being considered by the judges.

Now, honourable senators, I refer to page 4 of the report, paragraph 7, to which I say I have very little objection, but one qualification. It reads:

> 7. Notwithstanding the repeal hereby of paragraph (ff) of Standing Rule 23 and Standing Rules 153 to 195, both inclusive, being Part IV of the said Standing Rules and Orders, and the forms subjoined thereto, any petition for the dissolution or annulment of a marriage filed under the *Dissolution and Annulment of Marriages Act* before the coming into force of the *Divorce Act* and not finally disposed of when the last mentioned Act came into force, shall be dealt with and disposed of in accordance with the said Standing Rules and forms hereby repealed, as though those said Standing Rules and forms had not been repealed.

That is in presumed accordance with the two acts—the first, the Dissolution and Annulment of Marriages Act, and the second, the Divorce Act—and the Divorce Act reads in the Dissolution and Annulment of Marriages Act, and, in so doing, reads in those cases that were filed prior to the enactment of that act.

So, this paragraph should be amended to read, "and not finally disposed of when the last mentioned Act"—that is, the Divorce

Act—"and the Dissolution and Annulment of Marriages Act came into force,".

We have numbers of cases—and I think we have more to come—that were filed prior to the enactment of the Dissolution and Annulment of Marriages Act, and so they too must be saved.

Hon. Mr. Aseltine: Does it not naturally follow?

Hon. Mr. Roebuck: No, it does not necessarily follow, and it should be very carefully provided that it does follow. If it does not follow, you have no rules to apply to some of these old cases which may turn up. I think I have said enough about that.

Hon. Mr. Martin: Would the honourable senator permit a question?

Hon. Mr. Roebuck: Certainly.

Hon. Mr. Martin: With regard to the last observation of Senator Roebuck, as I read paragraph 7 of the report, with respect to those petitions that were in being before the final legislation was passed, provision is made that they shall not be affected, and paragraph 7 provides that the rules that are hereby repealed shall be applicable to those cases.

Hon. Mr. Roebuck: Yes, speaking to Rules 153 to 195. What I am worried about is that any case that was filed prior to the passing of the Dissolution and Annulment of Marriages Act should also be included. It is just the wording. I think it was intended, but, as you see, this report was not very carefully considered.

Hon. Mr. Aseltine: Why put it in, if we do not need it?

Hon. Mr. Roebuck: We do not know whether we need it or not, because we do not know, and certainly this committee does not know, whether there are any cases that should be heard and which are being excluded by that wording.

I ought to say before I close that Rules 133 to 152 have recently been little used. They are now made important by the passing of the Divorce Act. They ought to be brought up to date. They have been little used in the last five years because we have been using the later rules. That revision should be done by our own Counsel and not by counsel brought in from outside who has had no experience in these matters. Our Law Clerk is a very capable counsel, and I can say that from long and intimate experience with him. So, honourable senators, I am going to leave this in your hands; I think I have done my duty in the matter.

I suggest, under paragraph 4, that Rules 133 to 152, both inclusive, of Part III of the Standing Rules of the Senate of Canada, and the forms subjoined thereto, be not repealed, and that the said rules and forms be referred to the Law Clerk and Parliamentary Counsel of the Senate, with instructions to report thereon to the Senate, with a view to their meeting the present and future requirements.

Under paragraph 7, I suggest that it be amended by inserting in line 6, after the word "force", the words "of that act or".

In paragraph 8, I suggest that Rule 110, as redrawn, be amended by inserting in the first line thereof, after the words "private bills," the words, "other than bills of divorce".

And, in paragraph 9, that Rule 111(2), as redrawn, be amended by inserting in the first line thereof, after the words "private bills", the words, "other than petitions for bills of divorce".

Thank you, honourable senators, for your patience in listening to me.

The Chairman: Honourable senators, may I ask a question of Senator Roebuck?

Hon. Senators: Agreed.

The Chairman: Is this a formal motion?

Hon. Mr. Roebuck: No, I did not move it. I am taking no responsibility whatever for what the committee may do. I have simply laid before you the facts as I know them.

Hon. Mr. Aseltine: It is a suggestion to the committee, is it not?

Hon. Mr. Roebuck: Yes, it is a suggestion to the committee, or the house, or anyone who cares to take advantage of my work.

The Chairman: Senator MacKenzie?

Hon. Norman A. MacKenzie: Mr. Chairman, I would like to ask a question of you, sir, or through you, the Speaker or the Clerk. It is not a question of substance, but a question as to the powers and capacities of the Senate itself. If we abandon or give up certain rules and regulations which have been in effect, I assume that if necessary at any future time the Senate can resurrect those rules and give effect to them again. It has been said that we are masters in our own house.

The Chairman: Senator MacKenzie, are you asking for an informal ruling?

Hon. Mr. MacKenzie: An opinion.

The Chairman: In my opinion, yes, the Senate has full capacity. I think it is so stated in the rules, but I cannot put my finger on it at the moment.

Hon. Mr. Choquette: Paragraph 7 of the report provides that we can deal with them as though they had not been repealed.

Hon. Mr. Croll: No, no.

Hon. Mr. Martin: Yes, that is right. It says that.

Hon. Walter M. Aseltine: Mr. Chairman, I shall take only a moment or two. I am afraid Senator Roebuck is taking this matter too seriously. Apparently he thinks that the world is going to come to an end if we do not keep these rules. I agree with Senator MacKenzie, that if the occasion arises we can re-establish them in a moment. Senator Roebuck seems to be of the opinion that this report is some reflection upon him and the members of the Standing Committee on Divorce. That is far from what is behind the report.

I should like to say that I have been here for nearly 35 years—

Hon. Mr. Martin: In this house?

Hon. Mr. Aseltine: Yes. Before I came to the Senate I had had considerable experience in divorce matters in the Province of Saskatchewan. When that fact was known I was asked to be a member of the Standing Committee on Divorce, and I remained a member of that committee for some 30 years, during ten of which I was the chairman. During those ten years under my chairmanship the committee disposed of some 4,000 divorce petitions. I think I am responsible—partially, at least—for the fact that Senator Roebuck followed me as chairman. I went to him and suggested that he stand for the chairmanship, and after giving it a lot of thought he agreed to do so. He has been a wonderful chairman.

Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: And the committee under him has done extremely valuable work.

Hon. Mr. Martin: Senator Roebuck just said that you were a good chairman too.

Hon. Mr. Aseltine: During all the time I was a member of the committee the one thing I had in mind was to get rid of divorce in the Senate. Nothing will please me more than to see these rules taken out of the rule book and discarded. I do not want to see them again.

It has been said that in spite of the passage of the Divorce Act, a person who feels himself aggrieved, or wants some special concession, has the right to apply to the foot of the Throne for a private bill giving him the relief he requires. I would point out that such a petition can be made to the House of Commons or to the Senate. Such a petition does not have to be made to the Senate.

Hon. Mr. McDonald: May I ask the honourable senator a question? Such a bill would have to be passed by both houses, would it not?

Hon. Mr. Aseltine: Yes. I am coming to that.

If the petition is made to the House of Commons, that house will deal with it, and I imagine it will get very short shrift there. I doubt whether that house would pass it, but if they did, it would then come to this house in the usual way. If the petition is made to the Senate, then the Senate will deal with it, and after giving the bill three readings it would be sent to the other place. I do not think a bill of divorce, even if it passed the Senate, would get through the other house very easily. In fact, honourable senators, I do not think we are going to have any more of these petitions coming before us.

One of my reasons for saying so is that it is a very costly matter to have a bill of divorce passed by Parliament. Courts have now been set up in all provinces, and it is much cheaper for the litigants to apply to a court for a divorce than it is to come to Parliament, pay the parliamentary fee and all the costs of advertising, and bring counsel and all the witnesses to Ottawa. I do not think it will ever be done.

However, if a petition is presented it will be referred to the Legal and Constitutional Affairs Committee, and I have no doubt that the chairman of that committee will be a lawyer who has had experience in these matters. I know that if I were the chairman of that committee, and a petition for divorce came to the Senate, I could deal with it without any rules. I could arrange matters so that people could come and present their evidence. The Senate would require that that evidence be taken under oath, and everything would be in order. Of course the bill would have to go to the House of Commons.

It is for these reasons that I am quite anxious that the committee's report be adopted. As Senator Roebuck has said, there may be certain other rules that will have to be amend-

ed in order to make the picture complete. I have no objection to that, but I certainly want to get rid of these particular rules. I want to get rid of parliamentary divorce, if that is at all possible. I wholly support the report of the committee.

Hon. Mr. Martin: May I ask the honourable senator a question? He has had considerable experience in divorce and I ask it only for purposes of information.

In his argument Senator Roebuck referred to the form of petition at page 74 of the Rules. It is Form C-1, and it sets out the basic facts which must be presented by the applicant for divorce. How would this information come before the other house or this house in the absence of the existing rules?

Hon. Mr. Aseltine: It would go to either house.

Hon. Mr. Martin: In what form?

Hon. Mr. Aseltine: The lawyer for the petitioner would bring forward a proper petition. The rules of the Supreme Court of Ontario, or the Supreme Court of any other province, contain the form of the petition.

Hon. Mr. Martin: I fully appreciate that. I am just wondering whether it would be this particular petition.

Hon. Mr. Aseltine: No.

Hon. Mr. Martin: I am trying to get the juridical basis for the action the solicitor would take in the absence of rules covering this situation.

Hon. Mr. Aseltine: I am quite sure he would draw the proper petition. I know if I were doing it I would copy the petition out of the old rule book, or copy the petition used in Ontario, Manitoba, Saskatchewan or British Columbia, where they have been filing petitions for years.

Hon. Mr. Martin: I do not want to pursue this needlessly, but would it not be sufficient if the bill itself incorporated the necessary information? I am just trying to think how we would get over the point made by Senator Roebuck. I do not follow all the honourable senator has said.

Hon. Mr. Aseltine: I do not see any difficulty here.

Hon. Mr. Martin: This was a point that struck me as requiring some elucidation by those who have been on the Standing Committee on Divorce.

Hon. Mr. Aseltine: The answer is that if we find we are are in difficulties we can reinstate the rule. We can do it in two weeks or less.

Hon. Mr. Martin: That is provided for in paragraph 7.

Hon. Mr. Choquette: I should like to add something to the explanation given by my friend Senator Aseltine. Five lines from the bottom of paragraph 7 we read:

> . . when the last mentioned Act came into force, shall be dealt with and disposed of in accordance with the said Standing Rules and Forms.

Therefore the Clerk of Committees can draft a petition which will be in accordance with these old forms.

Hon. Mr. Martin: That is right.

Hon. Mr. Choquette: Any solicitor can write to the Clerk of Committees. The solicitor might have followed the form of the statement of claim now in use under the new divorce rules in any province, which cover all these points. When the Clerk of the Committees receives the petition, as he has done in the past, he can write to the solicitor and say, "Look, you omitted a very important point. Try to follow this preferable form, or add this paragraph". Then he will see that the petition is filed in the proper way, because it will have been drafted properly. It is as easy as that.

Hon. Mr. Aseltine: That is a much better answer than I gave the Leader of the Government.

Hon. Mr. Grosart: Might a layman interject at this point in the presence of so much legal advice? It occurs to me the very simple answer is that the client pays his lawyer to find out the proper method of drawing a petition to perform the job he is asking the lawyer to do. Surely the simple answer is that it is up to the lawyer to find out how to draw a petition, whether it is for a divorce bill or any other bill. There is no problem. Why should we require a special form for this one type of private bill when we are dealing with so many types of private bills without necessarily having special forms? It seems to me a quite simple matter. The lawyer can come and speak to the Clerk of Committees or he can write and ask what is the proper way of presenting a private bill to the Parliament of Canada.

Hon. Donald Cameron: Honourable senators, my interjection will be brief. As one who has sat on the Standing Committee on Divorce for nearly 13 years I share Senator Aseltine's feelings, that I would like to see divorce out of Parliament once and for all. Having said that, I take this opportunity of paying a very special tribute to Senator Roebuck, under whose chairmanship I sat for all these years, for doing a very difficult job in a masterly, warm, human and understanding way. Nothing was too much trouble for him, and he has exhibited a quality of public service that should be a model for anyone to follow in future.

Hon. Senators: Hear, hear.

Hon. Mr. Cameron: I was delighted to hear him say that he too wants to get divorce out of the Senate. For a time I was afraid that he did not want to get rid of it. If I did him an injustice in thinking that, I apologize. I think we all want to get it out of the way.

Also, I take this opportunity to pay tribute to Senator Aseltine for the work he did in the years he was on the committee. I think particularly of a member of that committee, the late Senator Gershaw, who carried a very heavy responsibility with the same sincerity and dedication as the others.

We have witnessed a magnificent tour de force by Senator Roebuck this afternoon. I think it was a useful exercise, because it has caused us to examine this matter very carefully to see whether or not we are overlooking some important point, something which frequently happens, as I have observed when legislation comes before the Senate. At times very obvious things get overlooked, and I therefore think Senator Roebuck has this afternoon performed a great service in meticulously examining this proposal in great detail.

We all agree we should get this responsibility out of Parliament. We all hope we will never have divorce petitions coming to Parliament, whether it be to the House of Commons or the Senate. However, for the very rare case that may occur, could we not dispose of this matter by an amendment to the effect that when a petition does come here the committee may be guided by the rules that were in existence before we disposed of the whole subject.

Hon. Mr. Martin: It is there.

Hon. Mr. Choquette: That is in paragraph 7 of this report.

Hon. Mr. Cameron: I noticed that, but if there is any reason to amplify it or spell it out more precisely, let us do it.

Hon. Muriel McQ. Fergusson: I shall be very brief. As you know, on November 7 in this chamber I expressed my stand on paragraph 4 of the Third Report of the Special Committee on the Rules of the Senate. I still oppose paragraph 7, which would repeal Rules 133 to 152 as they now stand. I might add that I had not discussed this matter with Senator Roebuck before I spoke on November 7, nor have I discussed it with him since. I agree with his stand, although I found his arguments a little difficult to follow sometimes, and before saying that I agree wholeheartedly with every one of them I should like to read them again.

I support Senator Roebuck's complaint that he was not sufficiently consulted. I think that when the Special Committee on the Rules of the Senate was making such drastic changes in the rules on how to handle divorce there should have been more consultation with the Chairman of the Standing Committee on Divorce. I understand that the Chairman of the Special Committee on the Rules talked to Senator Roebuck two days before the report was presented here. From what Senator Roebuck has said, it would seem he understood that the Standing Committee on Divorce was to be abolished, but as I understood him I do not think he had any idea that Rules 133 to 152 were to be done away with.

Hon. Mr. Roebuck: That is right.

Hon Mr. Choquette: How can you abolish a committee and keep the rules?

Hon. Mrs. Fergusson: Let me finish.

Hon. Mr. Choquette: Go ahead. The chairman is not here. He explained his position and you are repeating again what he was accused of.

Hon. Mrs. Fergusson: He said he spoke to the chairman of the Standing Committee on Divorce two days before the report was put in, and I do not think that in itself is sufficient consultation. I have looked at the names of the members of both committees and I find there are very few people who have had anything to do with the divorce committee, with the exception of Senator Haig, who are on the Committee on Standing Rules and Orders, and I do not know what Senator Haig's attitude was. Had I been on that committee, I certainly would not have agreed to that

report. I did not mean to be quite so emphatic about it, but I still think that the Standing Committee on Divorce is a very important committee that has done a great deal of work, and if another committee is going to be set up and brush away all the rules that they had had for dealing with divorce, then I think there should have been a good deal of consultation between the two committees. This is only my opinion.

It seems to me that in clearing up the Rules of the Senate, which I admit we should do, I agree with a great many things that are being done. However, in so far as dealing with the procedure of divorce, it seems to me that we are proposing to throw out the baby with the bath water. I would like to make one comment regarding the statement of Senator Choquette, which appears on page 511 of *Hansard*, where he says we invite people to come to the Senate for divorces if we retain these existing rules for dealing with the cases. And Senator Aseltine has said we are not going to have any more cases. He may be able to see into the future; I cannot. I do not think any of us knows if there are going to be more cases. It seems to me Senator Choquette's contention is no more logical and, may I say, even no more sensible—

Hon. Mr. Choquette: Thank you.

Hon. Mrs. Fergusson: —than the belief held by some people—and we all know there are such people—who think that if they make a will it is going to hasten their death. I do not think leaving those rules in to take care of cases which may arise is going to invite people to come to the Senate to get a divorce.

Hon. David A. Croll: In view of the statements that have been made, I think I should put the record straight. When I came into the Senate some 13 years ago I was dragged into the Standing Committee on Divorce. I did everything I could to avoid it, but I was told that they needed some lawyers, that they had contested cases and it was my duty to be there. Well, I was the best saboteur they ever put on the committee because from the day I got there I urged that they get out of this business. We had no right to deal with matters of divorce. I did not think it was dignified or a matter the Senate should be concerned with, and I did everything I could to hasten its removal from the Senate.

I have no objection to all these matters. As far as I am concerned, they can keep the rules or get rid of them in any way they like, but I did not like the fact that the chairman of the committee, who had worked on it for all of these years, was told what was in the report but was not consulted.

Hon. Mr. Roebuck: He was not even told.

Hon. Mr. Croll: The words I have here are that you were told but not consulted.

I urged Senator Roebuck not to make this speech this afternoon, and to forget about the whole business. The matters he brought before us are of some concern, but it is the general feeling that we want to be out of this business. If someone else petitions us at a future date, we will have to wrestle with it as we have had to do with other things. I am sure that if Senator Grosart finds someone a lawyer and he puts in a petition, it will be satisfactory and that will be the end of it.

I have thought we ought to get out of this divorce business as soon as we possibly could. I do not propose to say any more at the moment. There are some valuable traditions in this house that should not be cast aside quickly. I am not going to say anything more about it, because I want to get on with the business of the house. I want to catch a plane this afternoon—I will have another occasion. For the present I say I favour getting out of the divorce business as quickly as possible.

Hon. Gunnar S. Thorvaldson: Mr. Chairman, I will be very brief in my remarks. I was delighted to hear what Senator Croll said about his first association with the Divorce Committee. His introduction to that committee was very similar to my own. When I came to the Senate some years ago, it was Senator Roebuck himself who came to me and said, "Now, you are a lawyer, you have had some experience with divorce in western Canada, would you come on our committee?" I did so and I served on that committee for some years. In fact, I did not desert Senator Roebuck until several years later, when my friend Senator Haig came here. Then I went to Senator Roebuck and said, "May I be replaced on this committee, because I am fairly well involved on other committees? Would you accept my friend Senator Haig?" Senator Roebuck did so, and ever since then I have had nothing to do with divorce.

Hon. Mr. Haig: So that is how I got on it.

Hon. Mr. Thorvaldson: Honourable senators, I would like to make these remarks even though they are only the foundation for what I want to say, that no man could be more dedicated in the service he rendered to the

Divorce Committee, to the Senate itself and to Parliament than Senator Roebuck. Indeed, I was well aware that Senator Aseltine had headed the Divorce Committee with great distinction and ability for many years. I think the first chairman I ever met was Senator McMeans from Winnipeg. Many years ago, even prior to Senator Aseltine's time, he was the Chairman of the Senate Divorce Committee.

Also I wish to say that Senator Roebuck was very dedicated and worked as hard as, or perhaps harder than, anyone in the Senate to bring about the passage of the Dissolution and Annulment of Marriages Act. That indicated to me that even Senator Roebuck felt that divorces should be taken out of Parliament as soon as possible.

Hon. Mr. Roebuck: They should.

Hon. Mr. Thorvaldson: That being his view, I would have hoped that he would be most desirous that Parliament really should have nothing to do with divorce. It has always been my hope that we would be completely rid of divorces now.

Consequently, I wondered what Senator Roebuck meant when he said at the beginning of his remarks: "We must never close the doors on our citizens in regard to divorce."

Hon. Mr. Roebuck: Petitions.

Hon. Mr. Thorvaldson: In regard to petitioning for divorce, I wonder if that is a very sound position to take.

Hon. Mr. Aseltine: That is an invitation.

Hon. Mr. Thorvaldson: We have established courts to deal with divorce in every part of Canada. Why should the Senate deal with any petitions for divorce?

Hon. Mr. Aseltine: Parliament.

Hon. Mr. Thorvaldson: Why should Parliament deal with any petitions for divorce?

Hon. Mr. Croll: Every subject has a right to come to the Throne.

Hon. Mr. Thorvaldson: I am coming to that. Section 91 of the British North America Act deals with divorce matters, bills of exchange, promissory notes, copyrights. We do not accept a petition from a person in regard to a copyright, or certainly we do not want to. Why not? Because we have provided a court for that purpose, the Exchequer Court. Certainly, I would not agree that anyone has a right to come in here on a copyright matter, since it is a subject for courts.

After all, the Senate Committee on Divorce was really a court. And under the leadership that it had it was a mighty good court.

Another matter of federal jurisdiction is interest. We do not accept petitions here relating to interest. That is a subject for the courts. There are courts in every province to deal with it, namely, the common law courts of this country.

In exactly the same way, we have provided courts in every part of Canada to hear divorce applications. That is my whole argument, that we really do not need to continue the divorce rules in the Senate.

Surely paragraph 7, which is a transitional provision, takes care of the whole problem by allowing these rules to be used for any petition that might come in here in the future. We all recognize that Senator Roebuck has been dedicated to this work, and I admit that I, as a member of the Rules Committee, just as well as the chairman, should have come to Senator Roebuck early, when we were dealing with this matter, and should have discussed it with him. I did not do so and I blame myself for not having done so. I quite agree with Senator Croll and others, that it was an error, it was a mistake, it was a misunderstanding, it was something which should have been done and was not done. We should have had a full discussion of this matter with Senator Roebuck early in the proceedings of the Rules Committee. It was not done and I hope that Senator Roebuck will forgive all of us for this omission. I am sure he will do so, in his usual magnanimous way.

I urge upon the members of this committee to adopt the point of view that the whole idea of passing the Dissolution and Annulment of Marriages Act was to take this whole subject matter of divorce away from Parliament and into the courts. That being the case, I do not see why we should not eliminate the divorce rules, particularly when it has been approved that any divorce petitions which might come in here or that Parliament might wish to deal with can be dealt with under the rules as we propose to have them.

Hon. Mr. Haig: Question!

Hon. Mr. Roebuck: Mr. Chairman, before you put the question, let me thank everyone for the very kind remarks which have been made. I apologize for having taken things

seriously, but I was born that way, and I spent this time for fifteen years trying to do my duty.

I wish to answer the statement made by my friend, that I was unsound in my suggestion that the doors of Parliament must always be open to a petition of this kind. The power to dissolve a marriage is inherent in law in Parliament. It was to Parliament that Henry VIII went, as you may remember, for his divorces.

Hon. Mr. Choquette: How many did he get, six?

Hon. Mr. Roebuck: He had quite a number. He had a lot of trouble over one or two of them. I am pointing out that long before that it was established that Parliament had an inherent right to dissolve a marriage. That was the case in England when the British North America Act was passed in 1867, and that inherent right in Parliament was passed on to Canada. Jurisdiction in that inherent right was given to the Parliament of Canada, not to the legislatures of the provinces. That inherent right has continued, and the corresponding responsibility, I might add, has continued throughout a number of changes.

For instance, we passed the Divorce Jurisdiction Act in 1930. It had no effect on our inherent right. We passed the Dissolution and Annulment of Marriages Act and the recent Divorce Act, neither of which touched in any regard the inherent right of Parliament to go on acting in connection with divorce or its right to do so. And that right, and its corresponding responsibility, has now been passed on to us.

Hon. Mr. Thorvaldson: I do not deny the right.

Hon. Mr. Roebuck: And the responsibility goes with the right. Now, if we are to close the doors against our citizens with regard to this particular inherent right, it requires an act of Parliament. If my friend is really serious about closing the door on divorce, he should bring in a private act specifying that fact, because otherwise the right of a citizen and the right of Parliament remain, and our duty to deal with divorce properly remains as well.

The Chairman: Honourable senators, the Clerk has called my attention to the fact that on Tuesday at the request of Senator Roebuck we stood subparagraph 9. I should like to call your attention to it now and ask you whether paragraph 9 as amended, dealing with the subcommittee on legal and constitutional affairs of proposed new Rule 78, appearing in paragraph 1 of the report, shall carry?

Hon. Senators: Carried.

Hon. Mr. Martin: Honourable senators, it has been arranged that we have Royal Assent at 5.45. Senator Roebuck has not made any amendments, but he has put forward some suggestions that are embodied in his argument of today. Clearly, there has developed a consensus in the Senate on this matter, but it has been recognized that the Senator Roebuck has had a long connection with these matters and, if anyone is at fault in the matter of his not having been more fully consulted, I must take that responsibility and I do. I do so because, as Leader of the Government in the Senate I had a great deal to do with the selection of the personnel of that committee.

I think it would be wise now to adjourn and report progress. The committee will have before it the argument of Senator Roebuck today; it will have before it, although not in the form of a direction from this chamber, the observations that he has made. I would suggest that the committee examine these and continue its work on Tuesday. This would give us the opportunity of additional consideration of the argument of Senator Roebuck.

Hon. Mr. Choquette: I am perfectly agreeable to that, because we have not had time to look at the suggestions and the proposed amendments. I think the committee would be interested in looking at them and submitting them to our Law Clerk and others who are working in conjunction with the committee.

Hon. Mr. Martin: With that in mind, honourable senators, I would move that we rise and report progress.

The Chairman: Honourable senators, you have heard the motion. Is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee have leave to sit again?

Hon. Mr. Martin: At the next sitting.

The Hon. the Speaker: It is moved by the honourable Senator Martin, seconded by the honourable Senator McDonald, that the committee have leave to sit again at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

INVESTMENT COMPANIES

SECOND READING—ORDER STANDS

On the Order:

Second Reading of the Bill S-17, intituled: "An Act respecting Investment Companies".—(Honourable Senator Martin, P.C.)

Hon. Mr. Martin: Stand until Thursday next. I do not know whether my honourable friend the Acting Leader of the Opposition has seen this bill. It is quite voluminous.

Hon. Mr. Choquette: I have not had the opportunity of seeing it, and the Leader of the Opposition will not be here until early next week.

The Hon. the Speaker: Is it agreed that Order No. 4 stand until Thursday next?

Order stands.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 389 to 425, inclusive, which were presented on Tuesday, November 12.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 370, for the relief of Noel Vincent Moore.

Resolution 371, for the relief of Beryl Lieff Reich.

Resolution 372, for the relief of Shoshana (Soshana) Meyran Yaacobi Erez.

Resolution 373, for the relief of Bernard Alfred Marsh.

Resolution 374, for the relief of Helen Elizabeth Dunn Coldwell.

Resolution 375, for the relief of Anna Maria Szuszkiewicz Ritchie.

Resolution 376, for the relief of Marion Ada Bullock Cowie.

Resolution 377, for the relief of Helene (Ruth) Abcarius Nassif, otherwise known as Helene (Ruth) Abcarius Napier.

Resolution 378, for the relief of Patricia Quinn Burakoff.

Resolution 379, for the relief of Anastasia Skiadopoulou Temponeras, otherwise known as Anastasia Skiadopoulos Temponeris.

Resolution 380, for the relief of Micheline Lavoie Leveille.

Resolution 381, for the relief of Jean-Pierre Ste-Marie.

Resolution 382, for the relief of Jacques Saulnier.

Resolution 383, for the relief of Andree Poirier Pagliaro.

Resolution 384, for the relief of Kathleen Ellen McKenney Childerhouse.

Resolution 385, for the relief of Micheline Simoneau Cadieux.

Resolution 386, for the relief of Robert Eddington Brock.

Resolution 387, for the relief of Laura Elizabeth Miller Peasley.

Resolution 388, for the relief of Madeleine Baillargeon Saintonge, otherwise known as Madeleine Baillargeon St. Onge.

Resolution 389, for the relief of Annelise Tachau Cohen.

Resolution 390, for the relief of Leanore Briskin Cohen.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, I move that these resolutions be placed on the Orders of the Day for consideration on Tuesday next.

Motion agreed.

The Senate adjourned during pleasure.

At 5.45 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable Gérald Fauteux, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Farm Improvement Loans Act.

An Act to amend the Prairie Grain Advance Payments Act.

An Act to amend the Farm Credit Act.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, November 19, 1968, at 3.00 p.m.

THE SENATE

Tuesday, November 19, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

RESTAURANT OF PARLIAMENT

JOINT COMMITTEE—COMMONS MEMBERS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

> Ordered: That a message be sent to the Senate to acquaint Their Honours that this house will unite with them in the formation of a joint committee of both houses on the direction of the Parliamentary Restaurant and that the members to serve on the said committee on the part of this house will be as follows: Mr. Speaker and Messrs. Beaudoin, Bell, Bigg, Crouse, Danson, Durante, Gibson, Gleave, Goode, Grills, Groos, Guay (St. Boniface), Guilbault, Hales, Harding, Jerome, Murphy, Nesbitt, Noble, Portelance, Rodrigue, Roy (Laval) and Trudel.
>
> Attest
>
> Alistair Fraser
>
> The Clerk of the House of Commons

Ordered, that the message do lie on the Table.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1968

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-124, to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company and by Air Canada.

Bill read first time.

Hon. Paul Martin moved that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

29234—35½

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Supplementary Estimates (A) for the fiscal year ending March 31, 1969. (English and French texts).

Copies of the Overall Plan submitted by the Cape Breton Development Corporation under date of October 1, 1968, pursuant to section 17 of the Cape Breton Development Corporation Act, chapter 6, Statutes of Canada, 1967-68. (English and French texts).

Copies of final communique issued following the Ministerial Meeting of the North Atlantic Council held at Brussels, Belgium, November 15 and 16, 1968. (English and French texts).

THE ESTIMATES

SUPPLEMENTARY ESTIMATES (A) REFERRED TO FINANCE COMMITTEE

Hon. Paul Martin, with leave of the Senate, moved:

> That the Standing Committee on Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) laid before Parliament for the fiscal year ending the 31st March, 1969; and
>
> That the committee be empowered to send for persons, papers and records and to print its proceedings upon the said Supplementary Estimates (A).

Motion agreed to.

MASS MEDIA

PROPOSED SPECIAL COMMITTEE—NOTICE OF MOTION

Hon. Keith Davey: Honourable senators, I give notice that on December 3, 1968, I will move:

> That a Special Committee of the Senate be appointed to consider and report upon the ownership and control of the major means of mass public communication in Canada, and in particular, and without restricting the generality of the foregoing, to examine and report upon the extent and nature of their impact and influence on the Canadian public;
>
> That the committee have power to engage the services of such counsel and technical, clerical and other personnel as

may be necessary for the purpose of the inquiry; and

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee.

THE SENATE

REPRINTING OF BROCHURE

On the Orders of the Day:

Hon. Keith Davey: Before the Orders of the Day are called, I rise briefly on a point of privilege. I have in my hand an illustrated brochure of the Senate of Canada. Honourable senators will recognize it as the one distributed daily to the visitors to the gallery and elsewhere.

This brochure is attractive and informative; it is well produced; and it is totally out of date. Indeed, the seating plan contained in this brochure is for the Second Session of the 27th Parliament and, of course, we are now in the First Session of the 28th Parliament. This seating plan is at least 15 months out of date. There is a current seating plan which is for internal use only. It is in mimeograph form and is not distributed to our visitors.

What is the net result of this? In the folder which our guests in the galleries receive day after day—and as I am sure honourable senators will study with great interest—48 seats are incorrectly identified, and 11 new senators are not even listed. One of the new senators who is not listed is the very Leader of the Government. There are nine senators listed who are no longer in the chamber. This could be an advantage to us when you consider that included are such luminaries as Wallace McCutcheon and Ross Macdonald. It may be to our advantage to have people think that Senator Aird is Senator McElman. It could be to Senator Hays' advantage to have people think he is Senator Denis. However, it is also possible that Senator Keith Laird may have some misgivings when people think he is Senator Kinnear. How can that charming lady ever be content when people are thinking she is Senator MacKenzie? I could go on. I hasten to say, however, that I have absolutely no objection to visitors in the galleries thinking that I am Senator Jean-François Pouliot. Indeed, it is a privilege. My main concern is for my old friend Senator Andrew Thompson, because when people referring to this outdated brochure look down from the galleries they will, of course, assume he is the former Commissioner of the Canadian Football League. I would not wish that on anyone, even at Grey Cup time.

In any event, I think honourable senators will take my point: it is about time we had a new brochure for distribution in the galleries of the Senate.

The Hon. the Speaker: The question of privilege just raised by honourable Senator Davey is well taken. I will discuss the matter with the appropriate authorities to see that an up-to-date pamphlet is prepared for distribution as soon as possible.

NATO

CANADA'S PARTICIPATION—FURTHER INQUIRY

On the Orders of the Day:

Hon. Allister Grosart: Honourable senators, before the Orders of the Day are called, I wish to direct a rather lengthy question to the Leader of the Government. I have broken it up into eight sub-questions. I may say that I have given the Leader notice of these questions and provided him with a copy.

The questions, which refer to the recent ministerial meeting of NATO in Brussels, are as follows:

1. Did Canada undertake any new commitments or agree to assign any additional forces to NATO during last week's special Ministerial Meeting in Brussels?

2. Do the six ships (four destroyers and two supply ships) which the Minister of National Defence referred to at the special NATO Ministerial Meeting in Brussels last week constitute a Canadian commitment to the Alliance?

3. Paragraph 12 of the Communiqué states that the Alliance is of "indefinite duration" and that it is "more than ever necessary". Has Canada in subscribing to the Communiqué indicated that it will remain in the Alliance?

4. Did NATO extend its protection to any non-NATO states in Europe?

5. If not, does this mean that NATO countries, particularly in Europe, assume no responsibility for the security of their neighbours which might come under attack?

6. Is NATO developing contingency plans which would involve extension of

NATO military protection to non-NATO states in Europe in case of Soviet intervention?

7. Has NATO adopted new plans for the demonstrative use of nuclear weapons? If so, did the Canadian delegation accept these plans?

8. The Minister of National Defence said that Canada had produced a paper on the roles of the fighter bomber in Allied Command Europe. What was the purpose of that paper and what did it contain?

Hon. Paul Martin: Honourable senators, Senator Grosart a few days ago gave me notice of his intention to ask these questions. Though I would have been able to deal with some of them, obviously I could not deal with them forthwith. However, I have had replies prepared and I give them now.

Question No. 1:

Did Canada undertake any new commitments or agree to assign any additional forces to NATO during last week's special Ministerial Meeting in Brussels?

The answer is no. Our contribution to NATO's military forces in the immediate period ahead will remain unchanged since we have deferred for the time being a final decision to reduce the number of aircraft in the air division. Certain improvements in the training and equipment of the Canadian armed forces are planned, but this is part of a continuing program to maintain modern and efficient forces. Some of these planned improvements were indicated by the Minister of National Defence in the Defence Planning Committee of NATO last week. Naturally, if, after the defence review has been completed, it were decided to change our present policy in some way, these training and equipment programs would have to be re-examined in the light of that new policy.

Question No. 2:

Do the six ships (four destroyers and two supply ships) which the Minister of National Defence referred to at the special NATO Ministerial Meeting in Brussels last week constitute a Canadian commitment to the Alliance?

The answer is no. The decision to build these ships was taken some time ago, as part of the continuing program to maintain a modern, efficient Canadian Maritime force. All of Canada's anti-submarine forces based on the east coast are at present committed to NATO's Atlantic Command, and, if we continue to contribute to NATO's military forces, it would be normal for these new vessels to be committed to NATO when they are ready for service on the east coast. Whether this actually occurs or not will depend on the outcome of the Government's defence and foreign policy review.

Question No. 3:

Paragraph 12 of the communiqué states that the Alliance is of "indefinite duration" and that it is "more than ever necessary". Has Canada in subscribing to the communiqué indicated that it will remain in the Alliance indefinitely?

The statement that the Alliance is of indefinite duration is one of fact. However, as from 1969, any party to the North Atlantic Treaty may cease to be a party one year after its notice of denunciation. The statement in the communiqué that the Alliance is more than ever necessary is a judgment which is, in the present circumstances, shared by members of the Alliance, including Canada. It is the Government's present policy to support the Alliance. Section 12 of the communiqué, which I tabled today, represents no change in the Government's policy. But, as I have said many times, our policy vis-à-vis NATO is one of the elements of the current foreign policy and defence review. This review is not yet completed and therefore no decision has been reached.

Question No. 4:

Did NATO extend its protection to certain non-NATO states in Europe?

The answer to this question is as follows: The geographical application of the North Atlantic Treaty is clearly stated in Articles 5 and 6 of the treaty.

Article 5 provides that an armed attack against one or more of the parties in Europe or North America shall be considered an attack against them all.

Article 6 states that, for the purpose of Article 5, an armed attack on one or more of the parties is deemed to include an armed attack on the territory of any of the parties in Europe or North America, on the occupation forces of any party of Europe, on the islands under the jurisdiction of any party in the North Atlantic area north of the Tropic of Cancer, or on the vessels or aircraft in this area of any of the parties.

Any extension of that protection to non-NATO states in Europe would therefore require an amendment of the treaty.

Question No. 5:

> Does this mean that NATO countries, particularly in Europe, have no interest in the security of their neighbours which might come under attack?

The NATO ministerial communiqué is clear on this question. NATO countries could not remain indifferent to any development which endangers their security. Any Soviet intervention affecting the situation in Europe or in the Mediterranean would clearly create an international crisis which could have grave consequences.

Question No. 6:

> Is NATO developing contingency plans which would involve extension of NATO military protection to non-NATO states in Europe in case of Soviet intervention?

NATO is not developing such contingency plans. Member countries are, however, closely following developments in the area.

Question No. 7:

> Has NATO adopted new plans for the demonstrative use of nuclear weapons. If so, did the Canadian Delegation accept these plans?

NATO did not adopt at Brussels any plans for the demonstrative use of nuclear weapons. Entirely incidental to the Ministerial Meeting at Brussels, there was a meeting of the NATO Nuclear Defence Affairs Committee to consider a progress report presented by the NATO Nuclear Planning Group which is carrying out studies related to the possible use of nuclear weapons.

The so-called demonstrative use might be described as the limited use of nuclear weapons to demonstrate the will of the Alliance to resist aggression and to persuade the enemy to desist through fear of further escalation. Conceptually it could be a stage in flexible response and as such one of many means to avoid general nuclear war.

Question No. 8:

> The Minister of National Defence said that Canada had produced a paper on the roles of the fighter bomber in Allied Command Europe. What was the purpose of that paper and what did it contain?

I am advised that: The paper on fighter bombers was a contribution to the NATO Nuclear Planning Group studies on tactical nuclear weapons. The paper is a study of the various possible roles, conventional and nuclear, of the fighter bomber in the context of the strategy of flexible response.

I hope that these answers will satisfy the honourable senator.

Hon. Mr. Grosart: Was the last paper to which the honourable Leader of the Government referred made public?

Hon. Mr. Martin: I do not believe it can be made public. However, I would like to reserve my answer.

OTTAWA RAILWAY STATION

COMPLAINT AS TO TRANSPORTATION TO DOWNTOWN AREA

On the Orders of the Day:

Hon. Edgar Fournier: Honourable senators, on a question of privilege, I would like again to bring the attention of the Senate to a matter which I have previously mentioned in this chamber. I refer to the transportation facilities from the Ottawa railway station to downtown Ottawa.

I do not know how to describe that service. I have searched for an appropriate description and have come up with these words: disgraceful, obsolete, inefficient, unbearable and shameful—for the capital city of Canada. I raise this question on behalf of those of us who have to use this service, and we are a large number. Some of you may not know what I am talking about, because you have the advantage of travelling by air.

As has happened on other occasions, today quite a number of passengers were left on the platform without any available transportation into the city, either by bus or taxi. At 10.30 this morning there were approximately 50 people left standing under the canopy at the main entrance to the station without any form of transportation. True enough, the Ottawa Transportation Commission is supplying a bus, but it is an old one, possibly one of the oldest they can find. They say it is not paying, and no wonder!

I am sure you will recall that when the relevant bill was being considered by our committee, many of us protested against moving the station from the city centre to the outskirts. One of the reasons for our protestation was that we felt the transportation ser-

vice would be what it has turned out to be today. So, we were right in our criticism at that time.

I repeat, these people were left standing at the station today. I do not know whether they are still there. This happens day after day. It is not only this service I am complaining about, but also the price we have to pay for a taxi. We senators and many other people can pay the price—it is approximately $2. The taxi driver will charge $1.45 to $1.50, and if you hand him $2 you have to let him keep the balance, just to be a good boy. The coach-class fare between Montreal and Ottawa is $6.60, so that if you pay $2 taxi fare to and from the station it is equivalent to 75 per cent of the train fare. Again, I am not referring to the money involved, we can ride the buses or taxis and pay the money, but we want a service such as the people of Canada should expect in their capital. This has been going on for three years, and we have had repeated promises that the service will be improved.

I want to emphasize that I think it is a disgrace for the capital city of Canada to be without proper service between the railway station and the centre of the city. When I buy a ticket from Montreal to Ottawa I feel that Canadian National should provide me with an adequate service from the City of Montreal to the City of Ottawa, and not to the outskirts of Ottawa, leaving me out in the rain, snow or sleet.

I ask the honourable Leader of the Government to make inquiries as to whether this service can be improved once and for all. We are sick and tired of excuses and alibis. Perhaps the best way to obtain satisfaction would be to call the responsible officials back before the Standing Committee on Transport and Communications. They made the promises, some of which appear in the record of our proceedings, to the effect that they would provide adequate service. This they have failed to do up until today, leaving people at the mercy of such service as we have.

I ask the honourable Leader of the Government to try to do something about it, and to find out from these people if it is their intention that we should continue to suffer from this impossible situation. If that is their intention, then maybe we can patronize the provincial bus services and forget the railway.

Hon. Mr. Martin: I do not rise to take issue with the question of privilege, although I am not clear on that point. However, the honourable senator has directed my attention to the situation and I shall see that the matter is brought to the attention of the Minister of Transport who, undoubtedly, will bring it to the attention of the railway forthwith.

FOOD AND DRUGS ACT, NARCOTIC CONTROL ACT, AND CRIMINAL CODE

BILL TO AMEND—MOTION FOR THIRD READING

Hon. Fred A. McGrand moved the third reading of Bill S-15, to amend the Food and Drugs Act, and the Narcotic Control Act and to make a consequential amendment to the Criminal Code.

MOTION IN AMENDMENT NEGATIVED

Hon. Malcolm Hollett: Honourable senators, seconded by Senator Fournier (Madawaska-Restigouche), I move, in amendment, that the bill be not now read the third time, but that it be amended as follows:

1. Page 2, strike out clause 2;
2. Page 2, strike out clause 3;
3. Page 9, strike out clause 13;
4. Renumber clauses 4 to 14, both inclusive, as clauses 2 to 11, both inclusive.

Honourable senators, it is not my intention to take up much of your time on this particular amendment, but I feel that it is my duty, and the duty of every one of us here, to give this bill special consideration and thought before we allow it to pass. The amendments that I wish made have been read, and it will be noticed that they concern the clauses dealing with the advertising and sale, et cetera, of contraceptives.

I spoke at length on this matter a few days ago, and honourable senators would be amazed, I am sure, at the amount of correspondence which has come to me as a result of that speech. I am pleased to note that from St. John's to Vancouver people are beginning to take a sober second look at this bill. I am worried about this measure, and I think every honourable senator in this room should be somewhat concerned about it and of the effects it will have on Canada.

Canada has grown under the principles laid down by our forefathers. It has grown into a great nation, and we ought to be very, very careful about enacting legislation such as this which, in my opinion, would tend to demoralize our people for generations to come. I have some knowledge of the conditions in other

countries where this same thing has been done, and the results are not good. Suicides and all sorts of illness have been caused by these devices. We know nothing about these contraceptives. We do not know how they are made, or of what they are made. Are we going to allow our young people to have free access to such things? I am not particularly concerned about married couples, because they have had experience. Some of their experiences may not have been good, and they would like to avoid them in the future, but this measure is not going to be in the best interests of our young people, or of Canada.

In moving this amendment I am asking honourable senators to consider again this particular bill which amends the Criminal Code. I ask you to consider it before you pass it. I am sure that there are other honourable senators who will have something to say on this matter. For that reason, and because I spoke on it at length a few days ago, I shall say nothing more. It is my opinion that we should not pass these particular clauses until we know more about the effects of the use of these contraceptive pills because they will have a serious effect upon our future generations.

Hon. Edgar Fournier: Honourable senators, it is a pleasure for me to vote against this bill. Unless it is amended, I cannot give it my support.

On October 31, as reported at page 403 of the *Debates of the Senate* of this session, Senator McGrand, the sponsor of this bill, said this:

> These amendments, therefore, will permit the legal sale of contraceptive devices to the general public—

This is very serious, but then he went on to say:

> —but will limit the advertising thereof in accordance with the proposed regulations.

Honourable senators, I happen to be a Catholic. I am not a very fervent Catholic because I am a Tory, and in my riding in order to be a very fervent Catholic one has to be a Liberal. Nevertheless, I am a Catholic, a believer in the Catholic faith, and I cannot subscribe to this law. We have enough trouble with "the pill" now, and I wonder if we realize what we are doing. Do we realize what will be the consequences of a measure such as this? I am sure that if this bill is passed in its present form, contraceptives will be in the pockets of our school children within a few months. If I know anything about children, they will put them in their pencil cases just as they put packages of bubble gum now. What can we expect of future generations? Do we have to make things worse than they are today? Some people will say, "But, they are available now." Sure, they are available now. So are all of these narcotics and LSD, but they are not easy to obtain. Why should we make it easier to obtain contraceptives? If this bill passes in its present form, I can visualize that in the near future these things will be sold in the corner store, and advertised like hot dogs.

It is said that we will have regulations, but what will those regulations be? I want to see the regulations now. To be told that regulations will be passed three months from now does not satisfy me. I want to know all about those regulations now, including the attitude and thinking of the persons who will draft them.

Honourable senators, what have we to gain by passing a bill that makes legal the sale of the instruments of sin; instruments that break the law of God? I know that we are not all Catholics, but we are all Christians and defenders of Christianity. If this bill is passed in its present form it will be a bad day for the Senate of Canada. If it does pass this house, then I hope that in the other chamber there will be people who will oppose it and see that it is returned to us properly amended.

I am compelled to go on record and say that while I agree to the second part of the bill, I cannot, as a Catholic, support the first part.

The Hon. the Speaker: Honourable senators, it is moved by the honourable Senator McGrand, seconded by the honourable Senator Basha, that this bill be now read a third time.

In amendment, it is moved by the honourable Senator Hollett, seconded by the honourable Senator Fournier (Madawaska-Restigouche), that the bill be not now read the third time but that it be amended as follows—

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, there is uncertainty as to agreement. Will those in favour of honourable Senator Hollett's motion say "content".

Some Hon. Senators: Content.

The Hon. the Speaker: Will those against Senator Hollett's amendment please say "non-content."?

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion, the non-contents have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Amendment of Hon. Mr. Hollett negatived on the following division:

CONTENTS

Aseltine	Hollett
Belisle	Irvine
Blois	MacDonald
Choquette	Macdonald
Fournier (Madawaska-Restigouche)	Méthot
Gladstone	Quart
	Welch—13

NON-CONTENTS

Basha	Haig
Beaubien (*Bedford*)	Hayden
Benidickson	Inman
Boucher	Isnor
Bourget	Kickham
Bourque	Kinnear
Burchill	Lefrançois
Carter	Leonard
Connolly (Ottawa West)	Macnaughton
	Martin
Croll	McDonald
Davey	McGrand
Denis	Molson
Desruisseaux	O'Leary (Carleton)
Dessureault	Petten
Eudes	Phillips (Rigaud)
Everett	Prowse
Fergusson	Roebuck
Fournier (De Lanaudière)	Thompson
	Thorvaldson
Giguère	Walker—41
Grosart	

The Hon the Speaker: I declare the amendment lost.

THIRD READING

It is moved by the honourable Senator McGrand, seconded by the honourable Senator Basha, that Bill S-15, to amend the Food and Drugs Act and the Narcotic Control Act and to make a consequential amendment to the Criminal Code be now read a third time. Is it your pleasure, honourable senators, to adopt the motion.

Hon. Mr. Hollett: On division.

Motion agreed to and bill read third time and passed, on division.

RULES OF THE SENATE

SPECIAL COMMITTEE'S REPORT FURTHER CONSIDERED IN COMMITTEE OF THE WHOLE

Pursuant to an order of the day, the Senate resumed from Thursday, November 14, consideration of the Third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

Hon. Mr. Choquette: Honourable senators, before we start our deliberations in the Committee of the Whole, may I remind you that at our last sitting the honourable Senator Roebuck made a proposal by way of amendment—although an amendment was not introduced as such—and it was agreed between the Leader of the Government and myself as Acting Leader of the Opposition that the Special Committee on the Rules of the Senate would study Senator Roebuck's proposal.

I do not think it would be proper to go on with any deliberations until that committee, which is scheduled to meet after the Senate rises today, studies the point raised by Senator Roebuck and reports back to the Senate, which it could do this evening. The Committee of the Whole could then resume its deliberations.

Hon. Mr. Roebuck: That seems reasonable.

The Chairman: Honourable senators, shall I report progress?

Hon. Senators: Agreed.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon and asks leave to sit again.

The Hon. the Speaker: Honourable senators, when shall this committee have leave to sit again?

Hon. Mr. McDonald: Later this day.

The Hon. the Speaker: It is moved by the honourable Senator McDonald, seconded by the honourable Senator Roebuck, that the committee have leave to sit again later this day. Is it your pleasure, honourable senators to adopt the motion?

Motion agreed to.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 370 to 390, inclusive, which were presented on November 14.

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 370, for the relief of Noel Vincent Moore.

Resolution 371, for the relief of Beryl Lieff Reich.

Resolution 372, for the relief of Shoshana (Soshana) Meyran Yaacobi Erez.

Resolution 373, for the relief of Bernard Alfred Marsh.

Resolution 374, for the relief of Helen Elizabeth Dunn Coldwell.

Resolution 375, for the relief of Anna Maria Szuszkiewicz Ritchie.

Resolution 376, for the relief of Marion Ada Bullock Cowie.

Resolution 377, for the relief of Helene (Ruth) Abcarius Nassif, otherwise known as Helene (Ruth) Abcarius Napier.

Resolution 378, for the relief of Patricia Quinn Burakoff.

Resolution 379, for the relief of Anastasia Skiadopoulou Temponeras, otherwise known as Anastasia Skiadopoulos Temponeris.

Resolution 380, for the relief of Micheline Lavoie Leveille.

Resolution 381, for the relief of Jean-Pierre Ste-Marie.

Resolution 382, for the relief of Jacques Saulnier.

Resolution 383, for the relief of Andree Poirier Pagliaro.

Resolution 384, for the relief of Kathleen Ellen McKenney Childerhouse.

Resolution 385, for the relief of Micheline Simoneau Cadieux.

Resolution 386, for the relief of Robert Eddington Brock.

Resolution 387, for the relief of Laura Elizabeth Miller Peasley.

Resolution 388, for the relief of Madeleine Baillargeon Saintonge, otherwise known as Madeleine Baillargeon St. Onge.

Resolution 389, for the relief of Annelise Tachau Cohen.

Resolution 390, for the relief of Leanore Briskin Cohen.

Resolutions adopted, on division.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Tuesday, November 12, the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. G. Percival Burchill: Honourable senators, I do not feel that I can add very much to this interesting debate, but the speeches of some of the preceding speakers have prompted me to make a few observations. I come from the Maritimes, a section of Canada whose people were described some years ago—that was before Newfoundland came into Confederation—by a correspondent of an Ottawa newspaper, in an article he wrote after touring the area, by three letters "P, P, and P,", which stand for "poor, proud and patriotic."

Before dealing with the motion, I wish to join with other speakers in congratulating you, Sir, on your elevation to the very honourable position of Speaker of this chamber. I endorse what Senator Cameron said a few days ago, when he referred to the very dignified and capable manner in which you have presided over the proceedings of the chamber since you assumed office.

I also think that we should congratulate ourselves that the responsibility of government leadership—which Senator John Connolly carried with such ability, earning the high regard and respect of senators on both sides of the house—has been assumed by a most distinguished Canadian statesman, the Honourable Paul Martin. Senator Martin has had a brilliant career in public service during which he has played an important role in moulding the Canadian nation.

I assume that what we want to achieve for Canada is a highly developed society with widespread economic well-being, character-

ized by an economic policy of full employment and an adequate system of social security. That is our objective as parliamentarians, and in that concept no political party, whatever its economic policy, can close its eyes to the problem of poverty.

The state is no longer concerned, as it was at the beginning of the century, merely with maintaining law and order. Economic aid in one form or another is now recognized as indispensable. The committee which is proposed in Senator Croll's resolution should lay down the guidelines for working towards that objective—and in attempting such a study I am confident that we have the whole-hearted approval of Canadian public opinion. I can speak only of conditions as I know them in the rural areas.

While poverty is poverty wherever one meets it, in the large urban centres it presents different aspects, such as crowded slums which we are not faced with to such an extent in rural communities. Senator Edgar Fournier (Madawaska-Restigouche), in his excellent speech, made a good presentation of the case as we know it in New Brunswick. In that connection, I would like to congratulate him on the admirable way he expresses himself in his second language.

Senator Fergusson has described the method of maintaining the poor in days now happily gone by, when the lowest bid was accepted by the commissioner of the poor for the shelter and board of poor people, those bids being based on the amount of work they could get out of the pauper. I recall my grandfather's distress over the same practice which took place in his day in our community. With the assistance of others, he started a campaign for the erection by the municipality of a Poorhouse to shelter and keep these needy people. The Poorhouse, as it was known, later was destroyed by fire and was replaced by a quite pretentious building. This was called an Almshouse, but it never recovered from the stigma and disgrace of the name Poorhouse and was always regarded as a place of last resort.

When the municipal councils of New Brunswick were abolished in 1966, the Northumberland County Council, as its last act, resolved to use its remaining funds for the worthy purpose of providing a home for our senior citizens. So, with financial assistance from the provincial and federal Governments, the almshouse was demolished and a very attractive and comfortable senior citizens' home, with every modern convenience and equipment, was erected, on the same site overlooking the Miramichi River. Nursing services are available, and in fact the whole project is one of which all classes in the community are proud. That new building is already full to capacity.

What has happened in my community of Northumberland-Miramichi has happened in many other localities in New Brunswick, and is striking evidence of the progress and advance made in public thinking on the municipal and community level, in the towns as well as the rural areas of New Brunswick, for the care of our less fortunate citizens. In addition, in towns and cities all over Canada there are a great many service clubs and other groups who are devoting a lot of time, money and voluntary effort towards helping people who need help. Moreover, large sums of money are dispensed each year in our cities through the United Appeal Fund and numerous other charities. All these are indications of the feeling of the people and their desire to help the less fortunate. So, I can hardly agree with Senator Carter when he speaks of the "apathy of the well-off majority."

When we come to the federal level, what do we find? Senator Carter has submitted figures showing that Canada is spending annually about $3 billion on welfare. I have put together some figures showing the breakdown of that total which was distributed in the Province of New Brunswick for the last fiscal year. I find that there was distributed for family allowances, family assistance, youth allowances, and Old Age Security a total of $26 million; and for Old Age Assistance, Blind Persons' Allowances, and Unemployment Insurance a further $5 million, which is increased to $10 million by the share paid by the provincial government. In addition to that, for three months of the fiscal year, under Canada Assistance, there is a further amount which, with the provincial government's share, amounts to $3 million, making a total of approximately $40 million. This is apart from the Veterans' Allowances.

When you project these figures across Canada you arrive at Senator Carter's total of $3 billion which, with the voluntary efforts of our citizens to which I have alluded, I think speaks very well for the desire, if not the efforts, on the part of Canadians to help their fellowmen.

It is a happy coincidence that Senator Croll should have introduced the resolution which

has precipitated this interesting debate, as one of the first items of business in this first session of the Senate under the leadership of a Canadian statesman who, while Minister of Health and Welfare, played a very important part in establishing and administering the Canadian social security policies. At the same time I cannot resist the opportunity of reminding the house that New Brunswick had the distinction of appointing the first Minister of Public Health in the British Empire, in the person of the late Dr. W. F. Roberts who was appointed in 1917.

Senator O'Leary (Carleton), in his usual eloquent style made a good speech in which he expressed this view:

> that the committee should take a meaningful look at our social security system and see what is good in it—see that we are not encouraging indolence and making sure that we are not subsidizing and perpetuating poverty, making dependence on the state a way of life and thereby undermining the worth and the dignity of the individual.

Those are very wise words and I endorse them.

But in that "meaningful look" I hope the Canadian National Institute for the Blind, which is doing such wonderful work, will present its brief—which I understand is to be presented to the Government—asking for more realistic pensions for blind persons.

Blind persons' pensions are paid under the Blind Persons Act, and to show you how inadequate this act is I want to tell you of a totally blind widow in my community, whose pension, after deducting $75 per month which comes from her husband's estate and a further amount for shelter, amounted to $44 per month. In October, 1967 this widow received notice from the Department of Health and Welfare of the Province of New Brunswick to the effect that as her son had reached the age of sixteen years he could no longer be considered a dependent under the Blind Persons Act and, consequently, her pension would be reduced to $3.85 per month, which is the amount she still gets under that act. This lady is under a physician's care but on account of her circumstances is obliged to do her own cooking and care for her household. Happily, the local government officials who administer social welfare are humane gentlemen, and they came to the rescue and found a way to allow her $75 per month.

Honourable senators, I think this is a scandalous situation. I feel very strongly that blind persons should be considered in a category by themselves, and that pensions under the Blind Persons Act should be adjusted so as to be adequate for the respective needs of the blind person. They should not have to battle financial worries along with the nervous tension caused by the loss of their sight.

Coming back to Senator O'Leary's comments, I think the committee's objective in examining social welfare policies should be to find ways to help people help themselves. There are other kinds of poverty—poverty of imagination, poverty of opportunities, and poverty of education, as well as poverty of wealth.

Senator MacKenzie's story of the young man from his community who became general manager of one of our banking institutions can be repeated in many other communities in the Atlantic provinces where young men have gone out from humble homes and achieved positions of great distinction and responsibility in the professional, educational, religious and commercial life of Canada. They helped themselves. One of my happiest recollections is that of recommending a boy from our community, who came from very humble circumstances, to enter a bank in which he rose to become general manager.

I agree with what Senator McDonald said about the danger of establishing industries through government bonus or financial assistance for the production of goods in which at present the supply is greater than the demand. Provincial governments, in their urgency to create more jobs, have done a great disservice to the economy by encouraging and, in many cases, assisting in the establishing of industries where a deferment would have been much wiser.

However, we must never let up using our ingenuity and imagination, our energy, our venture capital and our competence in seeking outlets for new products which will create jobs for the jobless. To me, there is nothing as tragic as a man who wants to work and cannot find a job.

The subject of poverty is a very complex one and will require a lot of study, but I think it is well worth the effort and that Senator Croll is to be commended for introducing the resolution.

On motion of Hon. Mr. McDonald, for Hon. Mr. Martin, debate adjourned.

BUSINESS OF THE SENATE

Hon. A. Hamilton McDonald: Honourable senators, in view of the discussion that has taken place concerning the Committee on the Rules, I move that we now adjourn during pleasure, to reassemble at the call of the bell at approximately eight o'clock. May I remind honourable senators that the committee meeting will be held at 4.30 p.m. in Room 256-S.

Motion agreed to.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

RULES OF THE SENATE

SPECIAL COMMITTEE'S THIRD REPORT ADOPTED AS AMENDED

Pursuant to an order of the day, the Senate resumed from Thursday, November 14, consideration of the Third Report of the Special Committee on the Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, during the last few days we have been considering paragraph 1 of the third report, and in particular the various subparagraphs and different items. May I now suggest to honourable senators that we consider passing paragraph 1 as amended. Shall paragraph 1 as amended carry?

Hon. Senators: Carried.

Hon. Mr. Croll: I have forgotten the amendment.

The Chairman: Then we come to paragraph 4.

Hon. Hartland De M. Molson: Mr. Chairman, in rising to participate in the debate on paragraph 4 of the interim report of the Special Committee on the Rules of the Senate, allow me to assure you I have no desire to prolong unnecessarily our discussion. However, it appears that we have reached a point in our deliberations where a certain amount of recapitulation might be helpful.

The interim report before us contains recommendations on two subjects: one, the structure of the committee system, and, two, the Rules of the Senate pertaining to Divorce. I note with pleasure that the first subject area reported on has been adopted by the Senate with certain beneficial modifications. The second subject, however, has received a mixed reception, and a number of statements have been made in the debate which I feel require comment by me both in my individual capacity and as chairman of the Committee on the Rules.

I propose to leave aside for the moment the substantive issues raised by Senator Roebuck, and refer first to the criticisms made of the manner in which the special committee has proceeded on this subject.

This was first expressed by Senator Roebuck on November 6, at the very outset of our consideration of the report of the special committee, and repeated by him on several occasions. On November 6 Senator Roebuck said:

> I have seen this document for not more than five minutes.

Then on November 14 he said:

> Now it does seem to me unreasonable that I was not consulted about this report and these proposed changes in the rules...

And on the same day he used these words:

> ...as you see, this report was not very carefully considered.

As a result of this a few other members, notably Senator Croll, Senator Fergusson and Senator Thorvaldson, also expressed in the debate certain reservations about your committee's course of action. We even received what appeared to be an expression of non-confidence from our leader when he stated that:

> ...if anyone is at fault in the matter of his (Senator Roebuck) not having been more fully consulted, I must take that responsibility and I do. I do so because, as Leader of the Government in the Senate I had a great deal to do with the selection of the personnel of that committee.

Honourable senators, this is quite a litany. In the face of it, may I simply say that your committee is just that—your committee—and is the willing servant of the wishes of this chamber. In its defence and in my defence—for even though the report before you carries the unanimous judgment of the members of the committee, I as chairman feel these criticisms more directly—I wish to remind you of the sequence of events leading up to the interim report.

Honourable senators will recall that the special committee was established on Thursday, September 19, and its membership

appointed on Thursday, October 3. The terms of reference of the committee clearly identified it as one which would be of interest and relevance for all senators. In presenting the first report of the committee on October 9, I reaffirmed the significance of this committee for all senators and indicated that a heavy schedule of hearings had been agreed upon in order to arrive at a final report by Christmas. I then went on to say:

> ...every senator is most welcome to attend the meetings of the committee, and...we will expect their attendance in considerable numbers. Furthermore...if they have any points of view or ideas in connection with the practice and Rules of the Senate, we would welcome their submissions either in writing or by their presence at committee meetings.

The response to this invitation has been heartening, but scarcely overwhelming. Senators have attended sittings of the committee and written submissions have also been received. However, Senator Roebuck, because of his other numerous and heavy duties and commitments, did not attend any of the meetings of the special committee. In these circumstances, and at the time that the committee was dealing with the rules governing divorce, I called on Senator Roebuck to apprise him of your committee's activities and to advise him of the consensus reached.

It is a source of regret to me that a degree of misunderstanding exists about our meeting. It is my recollection that I advised him of the committee's views not only in respect of the committee structure of the Senate, but also in respect of the Rules of the Senate governing divorce petitions. In any event, I can assure all honourable senators that my purpose in calling on Senator Roebuck was certainly not to inform him of one development and not the other.

While it is true that I did not leave a copy of the report with Senator Roebuck, it was for the very good reason that the report itself was not finalized until Thursday, October 31, the day it was presented to the chamber and printed as an appendix to the *Debates of the Senate*. The report was then available to all senators for nearly one week prior to its first consideration in this chamber and it seems to me unjust to imply, as was done, that the matter was being proceeded with without proper notice.

Some Hon. Senators: Hear, hear.

Hon. Mr. Molson: Your committee may be guilty of errors of commission and omission, but I doubt if the failure to refer to *Hansard* is one of them.

Moreover, honourable senators, all the elements of a tempest in a teapot appear to be present on this question of consultation by your committee, for the hard facts are that the Senate has now had the very welcome benefit of Senator Roebuck's views on the substance of the interim report prior to a final decision being made on the merits. Further, as a result of the debate last Thursday, the special committee has met and specifically considered the observations of Senator Roebuck.

In putting forward the recommendations it did on October 31, your committee was unanimously of the opinion that its position was consistent with the new status quo in Canada in respect of divorce, given that paragraphs 2 and 7 of the interim report continue intact and unaltered in respect of the Senate Standing Committee on Divorce and its procedures for as long as there are divorce petitions not yet disposed of.

Your committee has two observations to make. First, there have been no petitions received since the coming into force of the Divorce Act on July 2 last. More significantly, no one can recall Parliament's acting on a petition for divorce from an applicant who was entitled to seek relief through the courts. Therefore, the circumstances under which Parliament would consider a new petition for divorce appear very remote. Secondly, the circumstances would be so exceptional—perhaps we have to imagine a Canadian Henry the VIII—that the value of a set of rules, originally designed to fill in provincial gaps by a federal judicial system, is questionable. On the other hand, if we retain these rules your committee is of the opinion we would be creating a myopic situation of divorce, for the existence of these rules would suggest a continuing active role for Parliament in divorce, whereas this responsibility is now ceded to the judiciary without denying any inherent right.

Senator Roebuck also suggested in his address last Thursday that change in these rules was "a task for our experienced counsel and some small select committee or subcommittee." I should simply like to record that it is indeed a task for "our experienced counsel," and we have had the benefit of his very able assistance and advice on this complex subject, as

well as that of Senator Thorvaldson and Senator Haig, a former and a present member of the Divorce Committee. Your committee also sought the advice of the law officers of the Crown at the time it was seized of this matter, and is grateful to Mr. D. S. Maxwell, Deputy Minister of Justice, and Miss MacDonald, Advisory Counsel, Department of Justice, for their co-operation in testifying on the very matter under discussion.

I believe it would be of assistance to honourable senators if I referred directly to the Minutes of Proceedings of the Special Committee on the Rules of the Senate. Referring to Meeting Number 9, October 29, 1968, there is the following:

Present: Honourable Senators

Molson	Macdonald (Cape Breton)
Choquette	Martin
Desruisseaux	McDonald
Everett	Phillips (Rigaud)
Lang	Thorvaldson
Leonard	White

In attendance:

E. Russell Hopkins, Law Clerk and Parliamentary Counsel

R. J. Batt, Assistant Law Clerk and Chief Clerk of Committees

David R. Dehler, Special Counsel

Witnesses

Department of Justice:

D. S. Maxwell, Deputy Minister

Miss E. I. MacDonald, Advisory Counsel, Legislation Section.

Referring now to the business transcript of that meeting, I read as follows:

> It was moved and *unanimously resolved* that Rules 133-152, both inclusive (part of Part III), Rules 153-195, both inclusive, (all of Part IV) and the forms of each part sub-joined, be repealed..." et cetera.

I think you have there an indication that in considering the divorce rules the matter was not dealt with in haste. It was not dealt with by any rump session. It was not dealt with without the best parliamentary legal advice the committee could get, and that after a full study of the matter the committee reached a unanimous decision.

In summary, honourable senators, your committee has followed with interest the course of debate on its interim report, has further considered its conclusions in the light of Senator Roebuck's address, but for the reasons I have expressed does not feel a substantive amendment to this part of its report is warranted. I am instructed to recommend the adoption of paragraphs 4 to 10 now before the Committee of the Whole on behalf of the Special Committee on the Rules of the Senate.

Hon. L. P. Beaubien: Honourable senators, I wish to say one word on the old rules of divorce. First, however, I should like to say a word to Senator Roebuck. Over the course of the last several years I have sought his help, having been asked to do so by parents of people who were seeking divorce, and I cannot tell you how kindly, how willing and how helpful he was, even at a time when I think he had more work than he could handle. I therefore say to him now how very grateful I am for his help.

Honourable senators, I consulted the Chief Clerk of Committees and, as Senator Molson pointed out, according to the Chief Clerk no petition has ever been received from a province that had its own divorce courts. Ten provinces have their own divorce courts. It therefore does not seem to make much sense to me to put a lot of rules on the book if we are not going to use them.

In *Hansard* of last Thursday, November 14, at page 544, the honourable Leader of the Government is reported as saying something to which Senator Molson referred but which I should also like to read. He said in part:

> ...it has been recognized that the Senator Roebuck has had a long connection with these matters and, if anyone is at fault in the matter of his not having been more fully consulted, I must take that responsibility and I do. I do so because, as Leader of the Government in the Senate, I had a great deal to do with the selection of the personnel of that committee.

I was not in the chamber when the honourable leader made that statement and it is quite possible that he conveyed a totally different impression when he said it than I got in reading his words. But to me, he is beating his breast and saying, "I sinned also; I appointed the wrong people to the committee." Now, honourable senators, if that was not the Government leader's intention, it seems to be only fair to our very distinguished committee that he should set the record right. I do not think this remark in *Hansard* conveys—at least, certainly not in my opinion—the proper evaluation of the work of our committee.

Hon. Paul Martin: I am very grateful to Senator Beaubien (Bedford) for the remarks he has made. This is a pretty good example of what Mr. Gladstone said, when referring to a tribute he paid to one of his fellow members, "Unless you are very careful at all times with every word, what may be designed as a tribute may be construed as a criticism."

I think anyone who was in the chamber Thursday last will recall the circumstances. We had listened to an able argument by Senator Roebuck. On November 14 last at page 544 of *Hansard,* I said that Senator Roebuck has had a long connection with these matters. What I was endeavouring to do was to indicate as politely and as forcefully as I could to Senator Roebuck that I fully appreciated his sensitivity in the matter, and it was for that reason that I referred, as indeed the honourable senator himself has, to his long connection with divorce matters in the Senate. But before I said that—after Senator Roebuck had spoken and had made his argument—I went on to say:

> Clearly, there has developed a consensus in the Senate on this matter.

I was saying, I think, very clearly, that in so far as I could judge from the reaction of honourable senators, while we appreciated the remarks that Senator Roebuck had made, there was not wide agreement with what he had said. That is what I said—that there had developed a consensus not in support of this general thesis. Then I went on to say that I, as Leader of the Government, had the responsibility of selecting members of this committee. What I was trying to do when I said that was to relieve Senator Molson of the criticism which was implied in what Senator Roebuck had said. If there was any criticism to be levelled, it should not have been directed at Senator Molson but at me. So having done my best to deal with Senator Roebuck, and my very best to deal with Senator Molson, I find that I have incurred the wrath, certainly of Senator Molson, and I suspect also now of Senator Roebuck. I am sure it is very clear from the context that both Senator Choquette and I—

Hon. Mr. Flynn: It is not your first experience.

Hon. Mr. Martin: I am not going to bring Senator Choquette into the picture or refer to his words, but as Acting Leader of the Opposition, he was trying to be helpful. We had before us, not an amendment by Senator Roebuck but suggestions which incorporated his ideas, and I seized upon his reference to these suggestions as being a presentation that did not amount to an amendment, and I thought that the most satisfactory way of concluding the proceedings on Thursday was to suggest that Senator Roebuck's observations, which had been placed before us in written form, might be referred to the committee. They were not in the form of an amendment, and they were not intended by him or taken by me as amendments. I was grateful to Senator Choquette for accepting my suggestion and I think that, without having conferred with one another, we both agreed that this was the happiest way of dealing with the situation. I hasten to add at once to Senator Molson that there could really be no construction placed on my words that would warrant the mild rebuke which he so ably gave me a few moments ago.

I am on record as having said that this committee has been doing a very useful job. I am on record as having said that the committee received from Senator Molson very good leadership in this matter. I told him so privately, and I repeat it now. I am only sorry that my good intentions were misconstrued. I hope that this will put the matter in proper focus.

In doing so, and giving a flavour to what I say now, may I say how happy I am to see the Leader of the Opposition (Honourable Mr. Flynn) back in his seat. I am sure that if he had been here he would have taken the same position as Senator Choquette, who performed his duties admirably and helped us out that day.

Hon. Senators: Hear, hear.

Hon. David Walker: Honourable senators, it is a wonderful thing to see that there is neither Liberal nor Conservative here tonight—everybody is being perfectly independent.

Hon. Mr. Aseltine: This is a very independent body.

Hon. Mr. Walker: It is, occasionally: it should be so more often. Everyone who felt offended is having his feelings assuaged, and I am sure that Senator Roebuck will join in that breathtaking experiment and feel that nobody at any time meant any offence to him. After all, he is the very father and author of the bill under which the Rules Committee have seen fit now to abolish the old rules in connection with divorce.

Hon. Senators: Hear, hear.

Hon. Mr. Walker: We have to give Senator Roebuck credit for that, because had he not done this it would have been impossible to do what is proposed at this time.

The Rules Committee is a magnificent committee, and I am proud to pay my tribute to Senator Molson, its chairman and an independent member. He is always independent of this chamber, and he has been chairing this committee and giving us leadership under these circumstances.

Honourable senators, to clear up any misunderstanding between Senator Molson and Senator Roebuck, may I say it is true that Senator Molson did consult Senator Roebuck. He reminded him of that on November 14 last, as reported at page 532 of the *Debates of the Senate*:

> I had the courtesy to call on you two days before the report and say what the committee had done.

And Senator Roebuck replied:

> My friend is perfectly correct in that. He did come to my office, I appreciated the courtesy, and stated so on a previous occasion.

Now there can be no feelings which are outraged. We are talking now about the real issue here. Feelings are gone. Senator Roebuck has put through the divorce bill which makes it possible for us to clear up the rules of the house. Thank God we are getting rid of divorce rules; we have always wanted to do that. This has been a chain around our necks for years, and Senator Roebuck and my good friend and former leader, Senator Aseltine, have laboured hard in the vineyard in attempting to discharge this very onerous duty.

We have for the first time an opportunity now to get rid of these rules, made possible through Senator Roebuck. Some of the provinces might have held out on this, but they did not. All 10 provinces have accepted the divorce bill and have promulgated their own rules, so that at the present time in all 10 provinces divorces are being tried. Those of you who are at the Bar know what a wonderful thing it is to be able to go into a court of law to get a divorce and have the rules of evidence apply and the matter discharged in a proper way without all the extra expense involved in coming to the Senate.

Now, if these 10 courts in our 10 provinces cannot discharge their duties in the trial courts, people have a right to go to the courts of appeal. Surely that is enough opportunity for any person who wants to get a divorce. On the other hand, if there should be—and I can only think of this as a hypothetical case—someone who does not get justice, who then wants to come to the foot of the Throne, come to Parliament, he can do so either by a petition to the House of Commons or by a petition to the Senate. I would suggest that he would get a much better reception at the Senate. But why, oh, why, and under what circumstances, would any petitioner want to do so? He has the right, of course, but, after going through the courts, why would he feel that he had been wrongly done by, judged as he is by judges trained in the law, and aided by lawyers trained in the law? Why would he want to come here? But if he did come here, he could do so by petition which would eventually have to go through both houses.

This has not happened. No one has brought or even suggested bringing a petition to either one of the houses, nor is it contemplated that anybody would. But, if a petition is brought, it can be brought before the Legal Committee and, if there are any rules that need to be invoked, that can be done overnight or, at the longest, within 48 hours. All the rules can be brought back again to deal with that lone petition. But until that time comes, why should we, who are trying to divorce ourselves of divorce, encourage people to come here when they have ample opportunity in the trial division and in the court of appeal in whatever province they are domiciled? Why do we keep the rules here in the hope that perhaps sombeody will come back to us?

This thing is out. Let us abolish the rules. Let us abolish them forever. Let us clean house thoroughly. In this I think Senator Roebuck should forget about his "baby" and be glad to be rid of this thing forever. This is my suggestion to him.

These new rules calling for the abolition of the rules in divorce have been approved not only by the very learned members of this non-political committee, but, in addition, by very distinguished counsel—both those who have been employed by the Rules Committee and our own esteemed Senate counsel. These are important considerations that we should have in mind. Let us clean out the stable. Let us get rid of this thing forever. If perchance

there should in the future happen to be something which, after going through the courts of the provinces, appears to be an injustice, the matter can be brought before the Legal Committee and can be dealt with promptly and efficiently.

But let us not retain something that is passé, which we have been trying for all these years to get rid of; let us not keep it among our rules and thereby invite further submissions to the Senate on this vexed question of divorce.

It is a wonderful thing for me to be here tonight and to see the change in the debate between senators on the Liberal side and senators on the Conservative side, and to find that in this debate above all else we are trying to give our honest views to solve this vexed problem. Everybody, including Senator Roebuck, yes, and Senator Croll, have shown themselves to be as anxious to be rid of these rules as we are. It is unusual to have Senator Croll agreeing that perhaps Senator Roebuck might be a little bit wrong. The Gold Dust twins have broken up for a moment. This Committee of the Whole has an able chairman, so let us get on with the business of these rules and above all else get rid of the rules on divorce.

The Chairman: Shall paragraph 4 carry?

Some Hon. Senators: Carried.

Hon. Mr. Fournier (De Lanaudière): Mr. Chairman, on paragraph 4, I have had the pleasure of listening to Senator Molson, and he referred to Senator Croll. I do not know what Senator Croll's opinion is, but because Senator Molson referred to him I would like to hear from Senator Croll.

The Chairman: Shall paragraph 5 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 6 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 7 carry?

Hon. Senators: Carried.

Hon. Mr. Fournier (De Lanaudière): Do I hear something from Senator Croll?

Hon. Mr. Croll: I am speechless.

Hon. Mr. Fournier (De Lanaudière): All right, let us get on.

The Chairman: Shall paragraph 8 carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph 9 carry?

Hon. Senators: Carried.

Hon. Mr. Phillips (Rigaud): Mr. Chairman and honourable senators, I move that paragraph 10 be renumbered paragraph 11 and a new paragraph 10 be inserted reading as follows:

> That the Third Report of the Special Committee on the Rules of the Senate be amended by renumbering paragraph 10 thereof as paragraph 11 and inserting the following as paragraph 10:—
>
> 10. The Standing Rules and Orders are amended by adding thereto as Standing Rule 79A the following: "79A. The standing Committees shall be severally empowered to inquire into and report upon such matters as are referred to them from time to time by the Senate; and shall be authorized to send for persons, papers and records, whenever required; and may print, from day to day, such papers and evidence as may be ordered by them."

The Chairman: Honourable senators, you have heard the suggested amendment. Is it your pleasure to adopt the amendment proposed by Senator Phillips?

Hon. Senators: Carried.

Hon. Mr. McDonald: Mr. Chairman, may I refer to paragraph 10 again? In the fourth line the words "the Committee of Selection" should read "a Committee of Selection".

Hon. Senators: Agreed.

The Chairman: Shall paragraph 11 carry?

Hon. Senators: Carried.

The Chairman: Shall I report to the Speaker?

Hon. Senators: Agreed.

The Chairman: Shall the report as amended carry?

Hon. Senators: Carried.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Third Report of the Special Committee on the Rules of the Senate has taken the said report into consideration, has made some progress thereon, and now reports the same with several amendments which I am ready to submit whenever the Senate is pleased to receive them.

The Hon. the Speaker: Honourable senators, the Chairman of the Committee of the Whole to which was referred the Third Report of the Special Committee of the Senate on the Rules of the Senate reports that it has taken the said report of the special committee into consideration and now reports the same with several amendments. Is it your pleasure, honourable senators, to receive the report of the Committee of the Whole now?

Hon. Senators: Yes.

The Clerk: Paragraph 1, strike out "6. The Committee on International Affairs" in the proposed new Rule 78 (1) and substitute therefor "6. The Senate Committee on Foreign Affairs".

Some Hon. Senators: Dispense.

Hon. Mr. Connolly (Ottawa West): As these have already appeared in *Hansard*, I would suggest that the reading be dispensed with.

The Hon. the Speaker: Is it agreed that the reading shall be dispensed with?

Hon. Senators: Agreed.

The Hon. the Speaker: When shall these amendments be taken into consideration?

Some Hon. Senators: Now.

The Hon. the Speaker: It is moved by honourable Senator Molson, seconded by honourable Senator Leonard, that these amendments be taken into consideration now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Later:*]

Hon. Mr. Molson: Honourable senators, I have been reminded by the Clerk that it was the decision of the Senate that the Third Report on the Rules of the Senate, as amended, be adopted now. I therefore move that the Third Report of the Special Committee on the Rules of the Senate be adopted now.

Hon. Sarto Fournier: Honourable senators, may I have the honour and pleasure of seconding the motion of the honourable Senator Molson?

Report adopted.

Leave having been given to revert to Notices of Motions:

MOTION TO PRINT AMENDED REPORT AS APPENDIX

Hon. Mr. Molson: I move, seconded by Senator McDonald that the Third Report of the Special Committee on the Rules of the Senate, as amended by a Committee of the Whole, be printed as an appendix to the *Debates of the Senate* and the *Minutes of the Proceedings of the Senate of Canada* of this day and form part of the permanent record of this house.

Motion agreed to.

For text of amended report, see Appendix "A", pp. 572-4.

AMPLIFICATION SYSTEM

Hon. David A. Croll: Honourable senators, may I call the attention of the Senate to the fact that the amplification system is inadequate, imperfect and just does not work. I wanted very much to hear the amendment proposed by Senator Phillips (Rigaud), but it was impossible to hear it. This is not the first time the system has failed.

The Hon. the Speaker: I shall ask one of the officers of the Senate to see if the system can be improved immediately. In the days ahead, we will see what can be done.

COMMITTEE MEETINGS

Hon. J. Campbell Haig: Honourable senators, before we proceed with the next order of business, I would draw to the attention of the Senate that the meeting of the Special Committee on Science Policy, scheduled for tomorrow at 10.00 a.m. in Room 260-N, has been cancelled. Also, the meeting of the Special Committee on the Rules of the Senate will be held in the Senate Reading Room, 260-N, tomorrow at 10.00 a.m.

PRIVATE BILLS

TRANSCOASTAL LIFE ASSURANCE COMPANY— SECOND READING

Hon. Maurice Lamontagne: Honourable senators, I move, seconded by Senator—

Hon. Mr. Flynn: Benidickson.

Hon. Mr. Lamontagne: —Benidickson, second reading of Bill S-16.

I am sure that Senator Benidickson will forgive my hesitation, because I had something else in mind when I rose to speak.

Hon. Mr. Flynn: Were you thinking of an incident that occurred in the other place?

Hon. Mr. Lamontagne: Besides speaking on second reading of this bill, I wanted to greet the Canadian Consul General at Marseille, who is in the visitors' gallery.

[*Translation*]

I should now like to point out the presence of Mr. Eugène Bussière, the Canadian Consul General at Marseille, who is with us this evening with his wife.

[*English*]

The purpose of this bill is to incorporate a new Canadian life assurance company to carry on the business of insurance, including life, personal accident and sickness, throughout Canada. This would enable Union Mutual Life Insurance Company of Portland, Maine, an existing company domiciled in the United States but doing business in Canada, to cease doing business in our country. Thus, Union Mutual would move to Canada the servicing of its present Canadian business so that it could be done by Canadians and, to a large extent, be controlled by Canadians.

The new company will have a capital of $1 million and a surplus of $500,000 paid in before it starts business. It will specialize in low-cost, non-cash value group insurance. Its head office will be in Westmount, Quebec. At the beginning of its operations, the stock of the company will be wholly owned by Union Mutual Life Insurance Company of Portland, Maine, in the United States. Within five years of commencement of operations Union Mutual will offer 25 per cent of its interest to Canadian shareholders, and within a period of 10 years it will offer another 24 per cent on the Canadian market. Thus, it is expected that within 10 years, 49 per cent of the company's stock will be owned by Canadians. The bill further provides that if those targets are not attained, the proceedings at a general meeting of the company, at which the voting rights held by non-residents have been exercised, could be declared void by a resolution passed at a special general meeting.

The provision that the divestiture be cut off at 49 per cent deserves further explanation. The amendments made to the federal insurance act in 1964 provide in particular—and I refer to section 16D of the act—that when the total number of shares held by a non-resident exceeds 10 per cent, such non-resident, either by proxy or in person, cannot exercise the voting rights pertaining to such shares.

However, section 16 F(2) exempts any company from the operation of section 16D, as long as more than 50 per cent of the shares of the capital stock are held by a non-resident. In other words, if Union Mutual were to divest itself of 51 per cent of the stock of the new company, and keep only 49 per cent or less, it would then be unable to exercise its voting rights. This obviously would be unacceptable to Union Mutual and unreasonable to expect.

Union Mutual was organized in 1848, and has since become a large and very sound enterprise. At the end of 1967, its total life insurance in force had risen to $2.6 billions, its total premium income to $87 millions, and its assets to more than $210 millions. Dividends to its policyowners have been paid every year since 1850.

Union Mutual commenced business in Canada exactly one hundred years ago, and in the first year of its Canadian operations it issued policies in French for the benefit of its Quebec market. It is licensed as a dominion insurer and also by all the provinces. During its 100 years of operation in Canada it has earned a good reputation for its integrity.

Until recently the amount of business done in Canada by Union Mutual was relatively small and could easily be serviced from the United States. In the last few years, however, this situation has changed considerably. The Canadian business done by Union Mutual, especially group life insurance, has experienced a sharp increase. It had risen to almost $74 millions in 1965, and it reached more than $100 millions in 1967. This substantial amount of business, and more particularly its recent rapid increase, has led Union Mutual to the conclusion that the interest of Canadian policy owners would be better served by a company domiciled in Canada and under the direction of a board of directors, the majority of which will be Canadian citizens.

I have been assured by the management of Union Mutual that the existing insurance business of that company will be serviced by the new company, and that at the end of the year

in which the latter is chartered and licensed, Union Mutual will cease writing new group policies or individual policies of insurance in Canada. The Department of Insurance of the Canadian Government holds written undertakings consistent with that engagement.

Union Mutual has made actuarial computations based on the business that the new company can reasonably expect to write. These projections track the actual and current experience of Union Mutual in Canada. On the basis of these assumptions it is not expected that the capital and surplus of the new company will decline, even during the first years of operation. It is further anticipated that it will make a small profit, even in its first year of existence, due primarily to the service fee it will receive from Union Mutual for servicing the existing Canadian business of the parent company.

Throughout its early years of experience the new company will make adequate use of re-insurance to spread the risk inherent in large policies, substandard policies, and lack of geographic balance in risks, et cetera. Hence, apart from the overriding advantages to be provided through the servicing of the Canadian business of Union Mutual, adequate safety for policyholders will also be maintained through re-insurance.

It is often asserted that there is already too much competition in the life insurance business in Canada. While this bill will create a new life insurance company it will not necessarily increase competition in this field, although it is hoped that eventually the new company will do more business in Canada than Union Mutual has been doing up to now. Its main effect, at least for some time, will be to transfer to a Canadian company which will have, within a period of ten years, a substantial Canadian financial participation, the existing business being done by an American company in Canada. This transfer will mean an improvement in our balance of payments, a greater Canadian participation in the life insurance business, greater availability of capital in Canada, and more jobs for Canadians.

Hon. Mr. Benidickson: Honourable senators, I rise on a point of order. May I say, first of all, that I did not want to interrupt the honourable senator who introduced this bill, and whose name escapes me—I identify him, however, by the very lovely woman who is in the gallery—but I should like to say that Senator Croll asked me to confirm his observation that our amplification system is not working. I heard the honourable sponsor of this bill because he sits close to me.

Hon. Mr. Walker: Will the honourable senator who so ably introduced this bill be good enough to tell us how this company proposes to guarantee that it will in ten years from now turn over 49 per cent of its stock to Canadians?

Hon. Mr. Lamontagne: Honourable senators, I do not think this is the time at which to answer questions—we are only at the stage of second reading—but I can say to the honourable senators that there is really no effective method of ensuring this. The result of the company's consultation with the Department of Insurance in this respect, and the only safeguard they have been able to draft, appears in clause 8(3). I certainly agree that this is not a foolproof safeguard, but I understand that it is the maximum that can be given at this moment.

Hon. Mr. Everett: May I ask the honourable sponsor a question? Is Union Mutual a truly mutual company, having regard to the common meaning of the word "mutual"?

Hon. Mr. Lamontagne: That is my understanding.

Hon. Mr. Everett: Is it not a fact that the business which Union Mutual, as a mutual company, is now transacting in Canada will be transferred to a shareholding in a private company which is not a mutual company?

Hon. Mr. Lamontagne: This is my understanding.

Hon. Allister Grosart: Honourable senators, this bill raises a question concerning the operations of companies that are incorporated for the purpose of taking over existing businesses, a question that troubles all of us at times. There is the problem of building in a guarantee that the undertakings and representations made by the sponsors at the time they petition will be carried out.

The point raised by Senator Everett is also important. We are dealing here with the interests of Canadians who have elected at some time to buy insurance "mutually" in Company A, and now, apparently, without...

Hon. Sarto Fournier: Honourable senators, I rise not to interrupt the honourable gentleman who is speaking but to point out that the

amplification system is not working. I cannot hear what he is saying. I would like very much to hear him. He knows I am interested in everything he says. I should like him to speak a little louder so that the deficiencies of the amplification system will be overcome.

The Hon. the Speaker: Honourable senators, may I interject at this point to say that we shall have to go ahead tonight with the facilities we have. There is nothing that can be done at this moment. I will ask the honourable Senator Grosart to speak a little louder, if that is at all possible.

Hon. Mr. Grosart: I thank Senator Fournier for calling this matter to my attention. Perhaps other honourable senators at the far end of the chamber will signify in the usual manner if they cannot hear what I am saying. I shall try to raise my voice a little more. I make my point by asking: What protection is there for the investors who have put their faith in one company and who then find that by an Act of Parliament, in respect of which they are not consulted, their whole relationship is transferred from that company to another? Of course, if this bill concerned a company with shareholders, then the matter would be put before the shareholders in the ordinary way and be approved by them, but this concerns a mutual company. In the normal understanding of the term, those who are insured by a mutual company are in much the same position, relative to that company, as are shareholders. Have they been consulted? I doubt very much that they have been consulted in this case, because we have not been told that they have. There is no evidence before us of a meeting of those who have invested their money in this company—I believe that that is the correct term to use—by way of buying insurance.

Hon. Mr. Lamontagne: I rise on a point of order, honourable senators. I did not really understand the question that was put to me by Senator Everett a moment ago, but now I am beginning to understand its implications. I can tell Senators Everett and Grosart that I am not myself in a position at this moment to say whether or not this company is really mutual in the legal sense of the word. As honourable senators fully understand, in cases of this kind the normal and proper procedure, after we have approved second reading, is to refer these bills to the Standing Committee on Banking and Commerce so that the officers of the companies involved can appear and be questioned in detail on such technical questions.

Hon. Mr. Grosart: I appreciate the position of the sponsor of the bill (Hon. Mr. Lamontagne). I am not at this moment directing any questions to him; I am not actually expecting an answer.

Hon. Mr. Lamontagne: But you may be arguing for or against something which does not exist.

Hon. Mr. Grosart: No, I do not think that is so, because it does not really matter much whether or not this company is a mutal company in the generally accepted sense. The fact remains that we are dealing with the rights of Canadians who have invested their money in company A and are now going to be told, "Your money is invested in company B."

Hon. Mr. Lamontagne: No, that is not true.

Hon. Mr. Grosart: Then perhaps I should ask the honourable senator what will happen to the Canadian offices of the company. Are the Canadian offices going out of business?

Hon. Mr. Lamontagne: The parent company will continue to be responsible for policies which have been written during its operation in Canada, but when the new company comes into existence it will service the Canadian policyholders.

Hon. Mr. Grosart: That does not change the position to which I am addressing myself. Whether their interest will be changed from servicing the security of their investment does not matter very much. I merely point out that there are regulations of our Department of Insurance, and I am suggesting that perhaps when the Superintendent of Insurance comes before the committee we might ask him what they are. Is there not some way around this problem? Are there not some inherent rights built into the contract which one enters into when he invests his money with a company, to protect him from an arbitrary decision to set up an entirely new situation in regard to his security?

If somebody who is now a shareholder in Union Mutual feels for any reason that he does not want to have his business serviced by this other company, has he not the right to object, or to be told in advance, or to be consulted? I am not dealing specifically with this company. This is a matter that comes up over and over again. It comes up even with a change of name of companies. I say there is a

gap here in the recognition of the essential rights of people who enter into a contract with one company not to have that relationship arbitrarily changed to a relationship with another company.

Hon. J. Harper Prowse: Honourable senators, there are two or three things that concern me on this bill at the moment. Probably we will not get the answers until we get into the committee, but I raise the questions now so that people will be warned and be prepared when they come to the committee.

My first question is this. There is nothing whatever in this bill to indicate that this company is being formed with the intention of taking over the assets of any going concern. In the bill the whole suggestion is that the new company is to be formed, but section 5 says:

> The Company shall not commence business until one million dollars of the capital stock have been subscribed and at least that amount paid thereon together with a contribution to surplus of five hundred thousand dollars.

If it is just a matter of selling $1 million worth of stock, where does the other $500,000 come from unless you borrow it and hypothecate that you already have it? This may be perfectly clear to someone who has a better knowledge of company law than I have, but on my reading it looks as though something has been missed.

My next question is on section 8, which presumes to give a guarantee that there will be stock transfers to Canadian residents. This again gives us some clue to the situation, as was mentioned by the sponsor. Subsection 2 of section 8 says:

> During the period commencing,
> (a) Five years after the registration date, if more than seventy-five per cent—

—have not been transferred; and paragraph (b) says if in ten years more than 51 per cent are held by non-resident stockholders, then

> —no person shall, either as proxy or in person, exercise the voting rights pertaining to the shares of the Company held by such non-resident.

This sounds as though it is a perfectly good guarantee until you read subsection 3 of section 8. It says:

> If any provision of this section is contravened at a general meeting of the Company, no proceeding, matter or thing at that meeting is void by reason only of such contravention, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the general meeting at which the contravention occurred, voidable at the option of the Company by a resolution passed at a special general meeting of the Company.

In other words, that gives them the right to go ahead, and they just do not act, so nothing happens. In other words, there is no guarantee in this provision at all.

If we are to be told that there are guarantees by legislation, then the guarantees should be there. If there is to be a merger by legislation and we are giving approval to it, we should be advised of it and it should be clearly in the bill. If we had not been warned by the sponsor of the bill that there were other viable companies involved we would have had no way of knowing. Those are my questions.

The more companies we have doing business the better, the more competition the better it is for everybody, and I am prepared to go along with second reading. However, I am serving notice now that, whether or not I am on the new committee to which I presume this bill will be sent, I intend to be there and to ask these questions, and I imagine others may have questions to ask as well.

Hon. Mr. Everett: I think the honourable senator has answered my question, but I should like to be sure of my ground. As I understand it, Union Mutual will continue to hold the business it already enjoys in Canada and that it will be administered by the new company. Any business from now on will be written by the new company. I do understand it, and I will be very pleased to see it referred to the committee.

The Hon. the Speaker: It is moved by the honourable Senator Lamontagne, seconded by the honourable Senator Benidickson, that this bill be now read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Fournier (De Lanaudière): I object to this bill being now read a second time. I would propose that it be read a second time at the next sitting.

The Hon. the Speaker: I have put the motion for second reading.

Hon. Mr. Choquette: Is it our intention to send it to the Committee on Banking and Commerce tomorrow morning?

Hon. Mr. Lamontagne: No, not tomorrow, but as soon as possible.

The Hon. the Speaker: Do I understand that the honourable Senator Fournier (De Lanaudière) would like to move that this debate be now adjourned?

Hon. Mr. Fournier (De Lanaudière): Yes, until the next sitting.

The Hon. the Speaker: I was putting the question on second reading when I saw the honourable Senator Fournier (De Lanaudière) rising in his place. Do I understand there is a motion by Senator Fournier (De Lanaudière) to adjourn the debate? Is there a seconder?

Hon. Mr. Flynn: I do not think he needs a seconder.

The Hon. the Speaker: I will put the motion. It is moved by the honourable Senator Fournier (De Lanaudière) that this debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Lamontagne: Honourable senators, I would like to know under what kind of procedure we are operating now. I understand that when the question is put for the second reading of a bill, as it was in this case by His Honour the Speaker, we have to proceed to a vote. It is too late at that stage to move an adjournment. The debate cannot be adjourned once the question has been put for second reading.

Hon. Mr. Fournier (De Lanaudière): On a point of order. The Chair had not put the question when I made my request that the debate be now adjourned. This is a matter of debate; this is a matter of constitutional law. In my opinion, when I rose to put my motion the Speaker had not put the question, so I was perfectly within my rights.

The Hon. the Speaker: In fairness to the honourable Senator Fournier (De Lanaudière), I was putting the question when I saw him rising in his place, and he moved the adjournment of the debate. I will again put the motion to adjourn. It is moved by the honourable Senator Fournier (De Lanaudière) that this debate be now adjourned until the next sitting of the Senate. I ask again, honourable Senators, whether there is a seconder.

Hon. Mr. Flynn: I will second the motion because I do not think this is the place to decide it. I do not concede that because someone is a few seconds late he cannot express his views or ask for the adjournment of a debate. Therefore, I will second the motion.

The Hon. the Speaker: It is moved by the honourable Senator Fournier (De Lanaudière), seconded by the honourable Senator Flynn, that this debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: There is uncertainty. I ask that those in favour of the honourable Senator Fournier's (De Lanaudière) motion please say "content".

Some Hon. Senators: Content.

The Hon. the Speaker: Those against the honourable senator's motion will please say "non-content".

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion the non-contents have it.

Hon. Mr. Flynn: Well, Mr. Speaker, if in your opinion the non-contents have it, at least you should have asked for those who signified that they are not content.

The Hon. the Speaker: Order, please. I have put the question. I have asked those who were in favour of this motion to say content and those who are against it to say non-content, and I say that in my opinion the non-contents have it.

Hon. Mr. Fournier (De Lanaudière): Mr. Speaker, I rise on a point of order. Was the question put on the point that we are discussing or was it on the order that we are discussing?

By the way, I would like to thank the honourable Leader of the Opposition (Hon. Mr. Flynn). I know that he seconded my motion not because he was sharing my opinion but as a matter of courtesy and, having seconded it, could not vote against it. I have had some experience in another place.

All honourable senators have not been informed yet of exactly what question has been put. Therefore, I am asking you, Mr. Speaker, to give a clear picture as to the situation in the Senate now, according to the rules.

Hon. Maurice Lamontagne: Mr. Speaker, in order to facilitate the exercise of your responsibility, I am very glad indeed to join Senator Fournier and the Leader of the Opposition in trying to impress on you that we should delay the adoption of the second reading of this bill.

Hon. Mr. Martin: D'accord.

The Hon. the Speaker: I will now put the question again. It is moved by honourable Senator Fournier (de Lanaudière), seconded by honourable Senator Flynn, that this debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

The Hon. Senators: Agreed.

Hon. Mr. Grosart: No, we have already voted on that question.

The Hon. the Speaker: Would those in favour of honourable Senator Fournier's (De Lanaudière) motion please say content.

Some Hon. Senators: Content.

The Hon. the Speaker: Those against the motion will please say non-content.

Some Hon. Senators: Non-content.

The Hon. the Speaker: In my opinion, the non-contents have it and the motion is lost.

Hon. Mr. Fournier (De Lanaudière): Is that sufficient? There is no record. There is nothing.

The Hon. the Speaker: Order, please. I have put this motion twice, honourable senators, and I have said that, in my opinion the non-contents are the majority. That is why the motion is defeated. Under the rules, I have no alternative but to declare that the motion is lost and that the bill has been given second reading.

Hon. Mr. Flynn: I am sorry, Mr. Speaker, but the motion for an adjournment was lost. Now the motion for second reading should be put.

The Hon. the Speaker: The motion for second reading will now be put. It is moved by honourable Senator Lamontagne, seconded by honourable Senator Benidickson, that this bill be now read a second time. Is it your pleasure, honourable senators, to adopt the motion.

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Lamontagne: Honourable senators, I move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Prowse: We adopted new rules tonight. We are setting up new committees. These committees have not yet been formed. I was about to ask you to what committee this bill could be referred. However, since rising, I have been given the answer by my neighbour, who is a member of the committee. Therefore, I apologize for having risen to ask the question.

Motion agreed to and bill referred to the Standing Committee on Banking and Commerce.

CANADA EVIDENCE ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Eric Cook moved the second reading of Bill S-3, to amend the Canada Evidence Act.

He said: Honourable senators, when the Government Leader suggested that I undertake the task of explaining this bill, I was greatly flattered, but I was also nervous because I am aware that there are many senators who are distinguished members of the legal profession and are much better able to deal with the bill. As a consequence, I feel somewhat like Daniel in the lions' den.

As I pondered the matter, I recalled during the very interesting debates on the Supreme Court Act some of the foremost of the legal lions in the chamber made reference to the *Book of Proverbs*. I thought, therefore, perhaps I too should take my Bible in hand and see if I could find something to help me.

Honourable senators, I read the Book of Daniel, and was greatly encouraged by Verse 21 and the first portion of Verse 22 of the 7th Chapter. After he emerged from the lions' den, Daniel is telling his adventures to King Darius. Daniel was obviously a good diplomat, for we find that he begins his report in a manner calculated to please the King. We read as follows:

> Verse 21—
> Then said Daniel unto the King, 'O King, live forever.'

Then, in Verse 22—and this is the part which encouraged me—Daniel continues:

> My God hath sent his angel, and has shut the lions' mouths, that they have not hurt me.

The present Canada Evidence Act which this bill seeks to amend is Chapter 307 of the Revised Statutes of Canada. The Evidence Act was first enacted by the Parliament of Canada in 1893, and it was in the main, of course, enacted for the purpose of confirming by statute the rules of evidence which the courts have followed over the centuries.

The Canada Evidence Act has not been revised by the Parliament of Canada since its enactment, although there have been detailed amendments from time to time. A revision at this time is not possible, but I would like to advise this chamber that the Department of Justice intends to undertake a comprehensive study of the law of evidence, so that the Evidence Act may be ultimately revised to reflect today's social conditions and scientific advances. Pending the completion of this study, the Government has decided that the Evidence Act should be amended to reflect some of these modern social conditions and technological advances.

In the main, I think it is correct to say that the judges and the legal profession have formulated the rules of evidence and Parliament has accepted these rules and enacted them into law.

Therefore, as this bill proposes a number of changes of an important technical nature in the law of evidence, it has been submitted, I understand, informally and unofficially to the Conference of the Chief Justices so that, should there be any objection to the principle of the bill, regard could be had to any such objection. However, it is my understanding that no objection exists to proceeding with the bill.

The Canada Evidence Act may appear to be a complicated and technical statute, but it is a statute that is well known and used almost daily by the members of the legal profession and the courts of our country. It is a statute that is of the utmost importance to all citizens of Canada, and to other persons subject to the laws of Canada, since its general purpose is to specify the manner in which evidence may be given in criminal proceedings and in those civil proceedings that come within the jurisdiction of the Parliament of Canada.

We naturally and quite rightly take for granted the rights and privileges we enjoy as citizens in the courts of today, including the provisions of the Canada Evidence Act. However, it was not always so, and perhaps it may interest honourable senators who are not lawyers, if I take a moment or two to give a few examples of the defects that used to exist.

In his book entitled *The Proof of Guilt*, Professor Glanville Williams writes:

> Until one dips into legal history it is hard to realize how recent is our present notion of justice to the accused person and a fair trial.
>
> At first the jury were judges and witnesses together, since they acted on their own supposed knowledge, fortified by village gossip. It soon came to be found that this knowledge was often defective, and, to make sure that the jury realized the weight of the evidence, witnesses were allowed to be called for the Crown, but no witnesses were allowed for the defence in charges of felony until the seventeenth century.

In addition to being unable to call witnesses on his behalf a stubborn defendant who refused to plead was not given much consideration. Williams tells us:

> At first he was merely put on a diet of bad bread and stagnant water; but it was found that the judge of assize could not wait till an obstinate prisoner gave in under this treatment, so the pressure of weights was added to speed matters up. Some defendants chose to be pressed to death in order to avoid the forfeiture of property that would result from a conviction. The practice of torturing in this way lasted for four and a half centuries, from the end of the thirteenth to the middle of the eighteenth century.

This practice was legally abolished in 1772.

Even juries were treated in a very indifferent manner in the old days. A final quotation from Professor Williams will illustrate this.

> Till 1870 the jury were put under pressure to reach speedy agreement by being confined without meat, drink or fire. It is related that on one occasion one of the jury during a long retirement asked the bailiff for a glass of water. The bailiff came into court and asked Mr. Justice Maule if he might give the jurymen water. "Well," said the judge, "it is not

meat, and I should not call it drink; yes, you may."

However, these colourful old days are gone forever, and therefore the amendments proposed in the bill before the Senate are not of a dramatic nature designed to correct grave injustices. They are nevertheless of very great importance for the present day administration of justice.

At this time it is not my intention to attempt to provide a detailed explanation of each of the provisions of this bill. I do, however, wish to draw the attention of honourable senators to the specific areas of the law of evidence in which amendments are being proposed. The provisions of this bill provide:

(1) A more liberal procedure in applying for leave to call more than five expert witnesses;

(2) Cross-examination of a party's own witness on a previous inconsistent written statement without prior proof that the witness is adverse;

(3) An extension of section 29 of the Canada Evidence Act, which now relates only to banks, to include other deposit-taking financial institutions;

(4) Clarifications of section 29 of the Canada Evidence Act, so that it is not interpreted in such a manner as to prevent searches of the premises of financial institutions under the authority of search warrants issued under any other act of Parliament;

(5) A procedure designed to facilitate the proof of matters contained in records made in the usual and ordinary course of business, including computerized records and other business records kept on magnetic tape or otherwise recorded, stored or reproduced electronically;

(6) A change in the form of making a solemn declaration.

Finally, Mr. Speaker, I should like to reaffirm that the Government will welcome any comments from interested members of the public, particularly on the provisions of the bill relating to the proof of business records, which are perhaps the most important feature of the bill, so that we can be satisfied that the bill will in fact effect the improvements in the law that it is designed to achieve.

If the bill should receive second reading I intend to move that it be referred to the Standing Committee on Banking and Commerce where I am sure it will receive the exhaustive and detailed study which it naturally requires, and the committee will also hear from those who may wish to comment.

On motion of Honourable Mr. Walker, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX "A"

(*See p. 563.*)

RULES OF THE SENATE

THE THIRD REPORT OF THE SPECIAL COMMITTEE OF THE SENATE ON THE RULES OF THE SENATE, AS AMENDED BY THE COMMITTEE OF THE WHOLE AND ADOPTED BY THE SENATE

The Special Committee on the Rules of the Senate makes its Third Report:

Your Committee recommends that the Standing Rules and Orders of the Senate of Canada be amended as follows:

1. Standing Rules 78 to 82, both inclusive, are repealed and the following substituted therefor:

"78. (1) The Standing Committees shall be as follows:

1. The Joint Committee on the Library of Parliament to which shall be appointed seventeen senators.

2. The Joint Committee on the Printing of Parliament to which shall be appointed twenty-one senators.

3. The Joint Committee on the Restaurant of Parliament to which shall be appointed the Speaker and six other senators.

4. The Committee on Standing Rules and Orders, composed of twenty members, five of whom shall constitute a quorum.

5. The Committee on Internal Economy and Contingent Accounts, composed of twenty-five members, seven of whom shall constitute a quorum.

6. The Senate Committee on Foreign Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to foreign and commonwealth relations generally, including:

(i) Treaties and International Agreements.

(ii) External Trade.

(iii) Foreign Aid.

(iv) Defence.

(v) Immigration.

(vi) Territorial and Offshore matters.

7. The Senate Committee on National Finance, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to federal estimates generally, including:

(i) National Accounts and the Report of the Auditor General.

(ii) Government Finance.

8. The Senate Committee on Transport and Communications, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to transport and communications generally, including:

(i) Transport and communications by land, air, water, and space, whether by radio, telephone, telegraph, wire, cable, microwave, wireless, television, satellite, broadcasting, postal communications, or any other form, method, or means of communication or transport.

(ii) Tourist traffic.

(iii) Common carriers.

(iv) Pipelines, transmission lines, and energy transmission.

(v) Navigation, shipping, and navigable waters.

9. The Senate Committee on Legal and Constitutional Affairs, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to legal and constitutional matters generally, including:

(i) Federal-Provincial relations.

(ii) Administration of Justice, Law Reform, and all matters related thereto.

(iii) The Judiciary.

(iv) All essentially juridical matters.

(v) Private bills not otherwise specifically assigned to another committee, including marriage and divorce.

10. The Senate Committee on Banking, Trade and Commerce, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on

motion all bills, messages, petitions, inquiries, papers, and other matters relating to banking, trade, and commerce generally, including:

(i) Banking, insurance, trust and loan companies, credit societies, caisses populaires, and small loans.

(ii) Customs and Excise.

(iii) Taxation legislation.

(iv) Patents and Royalties.

(v) Corporate and Consumer Affairs.

(vi) Bankruptcy.

(vii) Natural Resources and Mines.

11. The Senate Committee on Health, Welfare and Science, composed of thirty members, seven of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers, and other matters relating to health, welfare, and science generally, including:

(i) Veterans Affairs.

(ii) Indian and Eskimo Affairs.

(iii) Health and Welfare.

(iv) Social and Cultural matters.

(v) Pensions.

(vi) Labour legislation.

(vii) Aging.

(2) Any bill, message, petition, inquiry, paper, or other matter which does not fall within the subject matters assigned to a Standing Committee under subsection (1), shall be referred, as the Senate may decide, to any Standing Committee, Special Committee, Joint Committee, or to the Committee of the Whole.

78A. The senators occupying the recognized positions of Leader of the Government and Leader of the Opposition in the Senate shall be *ex officio* members of all Standing Committees of the Senate.

79. (1) Every Standing Committee meets, if practical, on the next sitting day after appointment and chooses a chairman.

(2) Every Special Committee meets, if practical, on the next sitting day after appointment and chooses a chairman; and one-third of the members appointed to a Special Committee shall constitute a quorum, unless otherwise ordered by the Senate.

80. Senators, though not members of a Committee, may attend and participate in its deliberations but shall not vote.

81. Members of the public may attend any meeting of a Committee of the Senate, unless the Committee otherwise orders."

2. Notwithstanding the repeal hereby of Standing Rule 78, any matter that has been referred to a Standing Committee and has not been finally disposed of by that Committee at the time of such repeal shall be dealt with and disposed of by that Committee as though Standing Rule 78 had not been repealed; or shall be dealt with and disposed of in such other manner as the Senate orders.

3. Whenever in any of the said Standing Rules and Orders the Committee on Standing Orders is mentioned or referred to, there shall in each and every case be substituted the Committee on Standing Rules and Orders.

4. Standing Rules 133 to 152, both inclusive, of Part III of the said Standing Rules and Orders, and the forms subjoined thereto, are repealed.

5. Standing Rules 153 to 195, both inclusive, being Part IV of the said Standing Rules and Orders, and the forms subjoined thereto, are repealed.

6. Paragraph (ff) of Standing Rule 23 is repealed.

7. Notwithstanding the repeal hereby of paragraph (ff) of Standing Rule 23 and Standing Rules 153 to 195, both inclusive, being Part IV of the said Standing Rules and Orders, and the forms subjoined thereto, any petition for the dissolution or annulment of a marriage filed under the *Dissolution and Annulment of Marriages Act* before the coming into force of the *Divorce Act* and not finally disposed of when the last mentioned Act came into force, shall be dealt with and disposed of in accordance with the said Standing Rules and forms hereby repealed, as though those said Standing Rules and forms had not been repealed.

8. Standing Rule 110 is repealed and the following substituted therefor:

"110. Petitions for private bills shall only be received by the Senate if filed with the Clerk of the Senate within the first six weeks of the Session, and every private bill originating in the Senate shall be presented to the Senate within two weeks after the petition therefor has been favourably reported upon by the Examiner of Petitions or by the Committee on Standing Rules and Orders, and no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on

Standing Rules and Orders recommending such suspension."

9. Paragraph (2) of Standing Rule 111 is repealed and the following substituted therefor:

"(2) Petitions for private bills, when received by the Senate, are to be taken into consideration by the examiner who shall report to the Senate in each case the extent to which the requirements of the standing orders regarding notice have been complied with; and in every case where the notice is reported by the examiner to have been insufficient or otherwise defective, or if he reports that there is any doubt as to the sufficiency of the notice as published, the petition, together with the report of the examiner thereon, shall be taken into consideration, without special reference, by the Committee on Standing Rules and Orders, which shall report to the Senate as to the sufficiency or insufficiency of the notice, and where the notice is deemed insufficient or otherwise defective, shall recommend to the Senate the course to be taken in consequence of such deficiency or other defect."

10. The Standing Rules and Orders are amended by inserting as Standing Rule 79A the following:

"79A. The Standing Committees shall be severally empowered to inquire into and report upon such matters as are referred to them from time to time by the Senate: and shall be authorized to send for persons, papers and records, whenever required; and may print, from day to day, such papers and evidence as may be ordered by them."

11. The foregoing provisions shall come into force on the day on which the Standing Committees have been reconstituted, and for the purpose of such reconstitution a Committee of Selection shall function pursuant to Rule 77 as if the present Session was now commencing.

All which is respectfully submitted,

H. de M. Molson,
Chairman.

THE SENATE

Wednesday, November 20, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

AMPLIFICATION SYSTEM

The Hon. the Speaker: Honourable senators, pursuant to the remarks made yesterday about the sound amplifying system, the company operating the system has worked on it this morning, and it is hoped that it will function from now on in a more satisfactory way. In any event, this matter comes within the jurisdiction of the Standing Committee on Internal Economy and Contingent Accounts, and I have asked the Chairman of that committee to review this whole situation at its next sitting.

PRIVATE BILL

CANADIAN ORDER OF FORESTERS—FIRST READING

Hon. T. D'Arcy Leonard presented Bill S-18, respecting Canadian Order of Foresters.

Bill read first time.

Hon. Mr. Leonard moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Eastern Rockies Forest Conservation Board for the fiscal year ended March 31, 1968, pursuant to section 10 of the Eastern Rocky Mountain Forest Conservation Act, chapter 59, Statutes of Canada, 1947. (French text).

Consolidated Index and Table of Statutory Orders and Regulations published in the *Canada Gazette*, Part II, for the period January 1, 1955 to September 30, 1968. (English and French texts).

WORLD WAR I

COMMEMORATION CEREMONIES IN FRANCE AND BELGIUM OF FIFTIETH ANNIVERSARY OF ARMISTICE

Hon. T. D'Arcy Leonard rose pursuant to notice:

That he will call the attention of the Senate to the Commemoration in France and Belgium of the Fiftieth Anniversary of the World War I Armistice and of the participation therein of Canadian Veterans of the said War.

He said: Honourable senators, on Friday, October 31 last, Senator George White, than whom one could not have a better companion—

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: —and I left Ottawa on what might properly be described as a pilgrimage. We went back to the battlefields of France and Flanders to commemorate the 50th anniversary of the Armistice ending World War I. It was a pilgrimage to pay our tribute to the comrades we left behind us forever on those battlefields.

We were members of a group of about 120 veterans, each one representing one of the units that made up the Canadian Expeditionary Force.

It was a most imaginative conception that this 50th anniversary should be commemorated by having one man from each unit go back to the battlefields to lay his wreath in memory of his fallen comrades. This imaginative conception was followed through by very thorough and efficient plans which, in due course, were put into execution with remarkable success. I pay my tribute to the Department of Veterans Affairs in particular and to the other departments of Government that co-operated, and I express the feelings of all veterans who went on this expedition in commending these officers who bore responsibility for the arrangements. They have a unanimous vote of thanks for all their work and for a great achievement.

During the two weeks we were away event piled upon event, and it would exhaust my powers of description and your patience if I were to try to describe too much, so I will try to confine myself to what one might call the headlines.

First let me speak of the Newfoundlanders. Newfoundland was not a part of Canada in the First World War and the Newfoundlanders fought as part of British divisions, but on this pilgrimage they were part of Canada, and one like myself could be proud to have them as such.

We went to five Newfoundland memorials in Belgium and France, and glorious memorials they were. Each one is of the same design. A magnificently sculptured caribou, the emblem of the Royal Newfoundland Regiment, faces the enemy, standing on top of a

German strongpoint that the Newfoundlanders had captured, to which had been brought as a base for the statue the native stone of Newfoundland. One could not look at this defiant caribou without being deeply conscious of the courage and bravery of the men of Newfoundland that it symbolized. When I tell you that out of 6,000 Newfoundlanders who enlisted in the First World War, over 60 per cent—more than 3,700—were killed, wounded or captured, you will have some idea of their bravery.

I must mention too that one of the Newfoundlanders, Ken Goodyear, of Grand Falls, spoke to me of Senator Malcolm Hollett, who also went overseas, and of the other senators from Newfoundland whom he knew—Senators Cook, Petten and Carter.

We visited all the Canadian memorials: St. Julien, where the Canadians in April, 1915, faced the first gas attack launched by the Germans and stood up against this new and deadly weapon; and the Menin Gate in Ypres, on which are inscribed the names of those who have no known grave to mark their last resting place. We visited Sanctuary Wood, Passchendaele, Dury, where Senator White was wounded, Bourlon Wood, Courcelette, Amiens, Cambrai, Vimy—all hallowed names for the Canadians who fought in that First World War. Places once so familiar to us are now changed. Where once were trenches and seas of mud, now there are fertile farms and quiet peaceful landscapes. Places which were once ruins and rubble are now busy, bustling towns and villages, and the old familiar places are now almost unrecognizable.

The cemeteries and memorials are all beautifully maintained and to each one we went to pay our tribute of remembrance. The ceremonies were impressive. They followed much the same form each time. Two sentries guarded the memorial, arms reversed and heads bowed. Our two padres said the opening prayers, and then came the invocation in words familiar to us all:

> They shall grow not old, as we that are left grow old,
>
> Age shall not weary them, nor the years condemn
>
> At the going down of the sun, and in the morning, we will remember them.

And all the veterans intoned the response:

> We will remember them.

There followed after the invocation, the laying of the wreaths. Every veteran in the group took part at least once in the laying of a wreath. Then came the clear melancholy call of the bugle sounding the *Last Post* as all stood at attention. The troops in their berets, wearing their medals, stood in silent remembrance until there came the awakening sound of *Reveille* with its symbol of the hope of resurrection. The haunting sound of the bagpipes followed as the piper slow-marched around the memorial playing the *Lament*, and again the padres closed the ceremony with a blessing. It was all very reverent, very touching, very impressive and very sacred.

In the second week, we split into two groups—one to go to Mons, which the Canadians captured on Armistice Day in 1918—the scene of the first British battle in 1914 and of our last one in 1918—and there we took part in the Belgian memorial services. The other group went to Paris to join in the French ceremonies. I did not go to Mons but I can say that those who did go were enthusiastic about the warmth of welcome from the Belgians and the conduct of the ceremonies.

As for the French events, the first one was at Compiegne, about 70 miles from Paris, where the Armistice was signed on November 11, 1918, in the railway car that was Maréchal Foch's headquarters deep in the woods of Compiegne. The ceremony was at night and flaming torches provided the light for the ceremony against the background of the dark forest. A brooding statue of Foch dominated the clearing and the music of a band of trumpeters heightened the dramatic effect of the setting.

On Armistice Day there were a number of events, but I shall mention only two. The first was the *Te Deum* Mass at Notre Dame Cathedral. This historic cathedral where kings and emperors of France, including Napoleon, were crowned, was ablaze with lights, decorated with flags including our standard among the French, and a magnificent choir and the great pealing organ supplied the music. The Garde Republican, the crack French regiment, with silver cuirasses, red plumes and red tunics, with white breeches, black riding boots and flashing swords, lined the centre aisle of the church, down which the President of France, General de Gaulle, came to sit on a raised dais in front of the altar. I was interested in watching him, and I noticed how his head moved from time to time, now up, now down, now to one side, and then to the other, but always en grande manière.

Madame de Gaulle was there, too, and the widows of some of the maréchals of France. Of course, the cathedral was crowded. There were scores of diplomats and heads of governments. Arab sheiks in flowing white robes, Africans in coloured turbans and togas. The homily was given by the Cardinal Archbishop of Paris, a very old man, crippled by age, but his voice was strong and eloquent, except when it broke with emotion as he spoke of the loss suffered by the widows and children of the hundreds of thousands of French who had been killed.

After the *Te Deum* at the end of the Mass, the organ and the choir broke into the stirring music of the Marseillaise. It was something never to be forgotten.

In the afternoon General de Gaulle took the salute at a parade in the broad Cours de Vincennes. He was escorted to the reviewing stand by the Garde Republican on horseback at full trot.

The parade was led by a company of "Pantalons", the French soldiers of 1914 who stopped the German advance at the Marne, in the red pantalon uniform, with the old French rifles and long fixed bayonets. Then came the Poilus of Verdun, in slate blue battle dress and steel helmets, followed by companies from all those countries which fought in the First World War, the Belgians, the Guards Regiments from Britain with the busbied band of the Grenadiers, and the pipes of the Scots Guards, the Australians with their broad-brimmed hats, the New Zealanders—all Maoris, the natives of New Zealand—the Yugoslavs with a pounding high-knee action step taught them by the Russians—one wondered how they could go on mile after mile in this pounding step—and others, including the Americans and our own Royal Canadian Regiment.

Then came units representing the might of present day French forces—infantry, artillery, tanks, mobile units, while super-fast Mystère jets dived from the heavens and helicopters in precision formation flew overhead. It was the kind of parade which could take place nowhere else in the world but in Paris, and at no other time—a once-in-a-lifetime experience.

In closing, I must pay my tribute to our Honorary Commandant Milton Gregg, V.C. As those who know him best will testify, he is the personification of kindness and gentlemanliness.

Hon. Senators: Hear, hear.

Hon. Mr. Leonard: He commanded the respect and affection of the whole contingent. Brigadier Jimmy Melville was Commandant, a wonderful man, smart on parade, able and efficient when necessary, but always lovable and full of life and fun when the occasion called for it. Those who know him can confirm that, too.

We had four members of the Royal Canadian Mounted Police with us, and wherever we went they stole the show. There can be no better advertisement for Canada than these colourful men in scarlet, yet they were always modest, courteous, kind, smiling, on the job, and perfectly bilingual. The Mounties are truly ambassadors of goodwill for Canada.

Perhaps I might single out one of our veterans for special mention. Mr. T. Dinesen was a Dane; you may recall that Denmark was neutral in 1914-1918, but Mr. Dinesen, like other Danes, felt that he must fight against German aggression. He crossed the Atlantic to try to enlist with the United States forces. They would not take him, I presume because he was a Dane, but he happened to see a Canadian recruiting office in New York and he applied, was accepted, and went over with the Canadian forces in a Montreal regiment. Serving with us he won the Victoria Cross, the most distinguishing decoration a soldier can win. He returned to his native Denmark after the war, but when he heard about this pilgrimage of ours, he came down to join us and once again marched with us to the old battlefields, and no one could want a better companion.

The senior Government official was the Deputy Minister of Veterans Affairs, Ernest Côté, himself a veteran of the Second World War. He worked tirelessly, and his fluency in French and English enabled him to cope with all occasions. To him I think is due the greatest share of credit for the planning, organization and carrying out of this great enterprise.

I could go on and mention others, but I think it sufficient to say that all played their part. Privates and generals, N.C.O.s and commissioned officers—all were equals as pilgrims. There were no casualties.

One place to which some of our group went was Wimereux, to the grave of Lieutenant-Colonel John McCrae who wrote the beautiful poem *In Flanders Fields*. I could not help but feel that the Canadian contingent lived up to

the trust he gave them in his immortal words:

To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

I think we have kept faith.

Hon. Malcolm Hollett: Honourable senators, if I am allowed, I would like to say just a word of thanks to the honourable Senator Leonard for the tribute which he has paid to all those boys of the First World War, and, in particular, to our lads in Newfoundland, though they were not Canadians. They never were Canadians—and I should add "unfortunately"—but I want to assure all senators here that just as all Newfoundlanders were then loyal to the mother country, Great Britain, so from 1949 onwards we have been and always shall be loyal to this Canada of ours.

The tribute which has been paid is an excellent one, and I thank the honourable Senator Leonard for his remarks. I am unable to say more at the moment.

On motion of Hon. Mr. White, debate adjourned.

EDUCATION

EMPLOYMENT OF "DRAFT DODGERS" AS TEACHERS IN CANADA

On the Orders of the Day:

Hon. Chesley W. Carter: Honourable senators, before the Orders of the Day are called I should like to direct a question to the Government Leader. My question arises from the knowledge that a considerable number of "draft dodgers" are coming to Canada from the United States and are being employed as teachers in our schools. I realize that education is a provincial matter, but internal as well as external security is a federal responsibility. Bearing in mind that these "draft dodgers" have deliberately defied and broken the laws of their own country, it seems to me that there is grave danger that these persons as teachers will develop wrong attitudes in our children.

Therefore, I would ask the Government Leader if he would be good enough to state the Government policy with respect to "draft dodgers" and say whether it is possible to initiate action at the federal level to alert the provincial and municipal authorities to the dangers of employing these people as teachers in our schools.

Hon. Paul Martin: Honourable senators, Senator Carter gave me notice of his intention to ask this question just before our proceedings began.

Hon. Mr. Choquette: Is this going to be a daily affair between you two?

Hon. Mr. Croll: You are catching on.

Hon. Mr. Martin: I think he has himself provided the answer when he said that education is a provincial matter. The fact is that under international law no country imposes the military service obligations of another country and, consequently, Canada in this particular case is not required under international law to enforce the military service laws of the United States any more than in the First World War between 1914 and 1917 or the Second World War between 1939 and 1941 the United States was obliged to enforce the laws of Canada in their military terms. It follows that this matter is one that does not come within the authority of the federal Government in any particular.

Under our immigration laws a "draft dodger"—if he may be so called—enters Canada, and the landing permit given to him does not in any way cover circumstances attending his military services, whether it be in compliance or non-compliance with military service. It is not prohibited under our immigration laws to enter Canada because one has not fulfilled military service obligations in another country. That is international practice. Therefore, I do not think it would be possible for the federal Government to interfere in the matter of education, which is something specifically reserved under section 92 of the British North America Act to the provinces.

It may be that my honourable friend had a certain purpose in mind in asking this question, and perhaps the very asking of it may serve that purpose.

NATIONAL DEFENCE

REPORT RE DEATH OF PARACHUTISTS AT PETAWAWA

On the Orders of the Day:

Hon. Paul Martin: Honourable senators, in the absence of Senator White I had earlier indicated I was prepared to deal with his inquiry for the tabling of the report of the Board of Inquiry into the incident involving the death of some armed services personnel at Petawawa.

To be specific, on October 10 Senator White asked me to obtain and table a copy of the

report of the Board of Inquiry into the death of seven army parachutists on May 8 last at Petawawa. Senator White stated that according to the press the report had been released the previous day. I obtained and tabled on October 15 a copy of a statement on the report of the Board of Inquiry which had been issued by the Department of National Defence. At the time of tabling, I referred to this statement as the report of the Board of Inquiry. This was a mistake on my part. There was, in fact, no report of the Board of Inquiry made public, but only a copy of a statement on the report of the board. However, I understand it is all that has been released with regard to the inquiry.

My colleague the Minister of National Defence has informed me that the report of the Board of Inquiry in this matter is privileged material and is not for tabling. It has always been maintained that the reports of boards of inquiry are privileged documents. Boards of inquiry in the armed forces are designed to enable senior authorities to obtain information on matters within internal service administration. These inquiries are not public, and officers serving on boards and officers and men appearing before them to give testimony are aware that the proceedings are for internal use and that their evidence will not be made public. It is argued that it would clearly hamper the administration of the services if those called upon to serve on or to give evidence before boards of inquiry were to feel that their actions or their statements might become subject to public debate. It is essential that these men speak freely, and this is possible only if they are aware that the testimony and findings will not be used beyond the confines of the services.

In a case such as the one at Petawawa, where there were seven deaths, testimony given at the Board of Inquiry is made available on a confidential basis to the coroner for his examination and information. The coroner is free to decide whether or not he will hold a coroner's inquest. In this particular case, my information is that the question of the exercise of the coroner's discretion is still under consideration by the coroner in Pembroke. The fact that an inquest would be held if the coroner, with the advice of the Attorney General's Department, felt that this was desirable satisfies the concern which I have about there being no public inquiry into an incident involving such a heavy loss of life. The presumption is that this inquiry would take place in the normal course of events if the coroner were not satisfied with respect to the evidence that is now available to him concerning the accident.

Hon. George S. White: I thank the honourable leader for his statement and with leave of the Senate I would like to comment on it very briefly.

First, I disagree entirely with the statement that a report of a Board of Inquiry is confidential and cannot be made public. After all, this is the Parliament of Canada and who are these mandarins and high brass hats who are telling Parliament that we are not entitled to have a report which dealt with the tragic death of seven young Canadian soldiers? These soldiers made a parachute jump that landed in the Ottawa River and they were drowned. These soldiers were only carrying out orders. They had no control over what they were instructed to do; they had no control over how they were to do it; they had no control over when or where they were to jump.

I understand that a board of inquiry is set up in the services where there has been damage to or loss of government property, where there has been injury to or death of personnel. The board hears evidence and makes a report on it. What possible reason can there be for secrecy in keeping this report from the public?

In the Province of Ontario, and I presume this applies in all other provinces, where there is a death on the highway or in industry there is an inquest which is open to the public and the press. A full report is given to the press of the findings of the jury, and anyone who follows the proceedings in the Ontario Legislature can readily recall many comments and caustic remarks made in that legislature as a result of the report of a jury at an inquest. I recall two such cases in this city, the collapse of the Heron Road Bridge and the collapse of the building on Elgin Street. In each case an inquest was held and, I believe as a result, certain action was taken through the office of the Crown Attorney.

The release put out by the Information Services of the Department of National Defence contains this important clause:

> The inquiry found that the primary cause of the accident was the existence of winds in the drop zone layer of a strength and direction not suspected. These winds were such that the parachutists were carried out over the Ottawa River.

I can easily understand the factor of wind change, and certainly any old soldier from the First War who had any experience of any kind in connection with gas can well recall and tragically remember how wind can change at the critical moment.

In this case the fact remains that a strong wind did arise and it suddenly changed direction. We know that the jump took place in the vicinity of water and that the parachutists did not wear life preservers. We also know that there were no safety boats or rescue equipment provided in the event parachutists did land in the water.

I do not want to go into any further detail on this tragic matter, but I simply suggest to the honourable leader that he should again consult with these higher authorities who have decided that Parliament is not entitled to this report. I would ask him to see these officials, and I hope that he will be able to convince them that Parliament is at least entitled to read this report.

Hon. Mr. Martin: I well understand the honourable senator's concern in this matter. I can assure him that I have examined this very carefully, and I will see that his remarks are taken into consideration once again.

Hon. Mr. White: Thank you.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of the honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

The Hon. the Speaker: Honourable senators, is it agreed that the honourable Senator Inman proceed in the place of Senator Martin?

Hon. Senators: Agreed.

Hon. F. Elsie Inman: Honourable senators, I have listened with great interest to the many excellent speeches on the subject of poverty. I wish to congratulate Senator Croll for bringing this matter to the attention of honourable senators. His resolution for a committee to consider this very important subject, which is a canker in our fair and beautiful country, is welcomed by all of us in this chamber.

Poverty is ugly. The word is ugly. The thought is ugly. It seems to be something that we have in the past backed away from; but, like many facts of life, it has to be faced some time, and now seems to be the time.

No longer can we ignore the knowledge that we have within Canada many areas of real poverty, and we must try to do something to cure this disease, for it is a disease eating at the very vitals of our country.

Those of us who have lived in small towns and rural areas perhaps come closer to the actual site and realization of real poverty than those who live in larger centres. Before the era of social benefits in the 1940's I had seen many cases of poverty that could leave one deeply depressed; and we still have many such cases.

I would like to cite several cases as examples of poverty that I have personally encountered. I remember on one occasion I went with a public health nurse to take an eight-year-old child back to its home in a little fishing village in my province. That child had been in hospital for six months with a tubercular ankle and she had a cast with a window in it, but we thought perhaps it could be looked after at home. We drove 40 miles to the child's home. She was anxious to be home; she was welcomed with love and affection by her father and the other children in the family, but we did not see the mother. In a few minutes' time we were taken into a windowless room. The mother was lying in bed with a three-day-old baby. Everything was in a very poor condition. The nurse looked after the mother as best she could. I took this baby, who had not been washed since it was born, and washed it and did the best I could for it. There were three rooms in that house. The kitchen had a bit of a floor. The room where the mother was had a bed on some sort of rocks and the floor was just sand, the house being built on sand hills. There was a third room, with a very small window, where the children apparently slept on pallets on the floor. There was nothing to eat in the house; the mother was going to nurse the baby on water.

The nurse and I went back to the town where we lived and from our own means we took food that we thought would do for a week or so. We went back to the house, taking with us canned milk and other canned goods with which the children could be fed, and then we solicited from merchants and others food enough for about a month. That is one case I saw that involved real poverty.

I remember another case in which we saw the police around a house and so we stopped and asked what was the matter. The police were arresting a widowed mother who had four young children. She had been making moonshine whisky or beer and selling it to feed her family. Anyway, after we were through with the police, they backed away and did not arrest her. We told them that many people were making money out of this affair and it would be better if they were left to continue their work. We got away with it.

On another occasion I was collecting for the Red Cross, and I remember going into a home. I was always interested in going to places where I thought the Red Cross would be appreciated for what it did. I went into this particular home about noontime, and there I found a widowed mother with three or four children. On the table was just a pot of potatoes—no butter, nothing else. She insisted on giving me two cents because she said that if it had not been for the Red Cross one little chap would not be where he was then. However, we looked after them, and she did have a proper meal that day.

I am just citing these cases to show what poverty can mean in this country. It is a shocking fact that in Canada today, one of the most prosperous nations in the world, a large number of Canadians are poor and some are truly destitute; and for various reasons, because of their poverty they are deprived of sharing in our abundance and the better life.

Poor people live everywhere—in the cities, towns and villages, as well as in the rural areas. Rural low-income areas have lost numbers of their populations over the past years on account of many of the young people—and especially the young people—going to the cities.

I am speaking now of my own Province of Prince Edward Island—I am sure all honourable senators know the province from which I come—where the average family incomes are low in the poverty areas, and where there are many symptoms of poverty, such as a low level of formal schooling, dilapidated housing in need of repair and replacement, a high proportion of children, and the elderly who depend on the working-age population with low incomes.

These are some of the actual reasons for poverty. Schooling in low-income areas is usually inadequate. Rural people generally have poorer schooling than city people, and so are handicapped by lack of education. It follows that they have difficulty in finding new jobs, acquiring new skills, or adjusting to new environments. The size of many low-income families makes escape from poverty extremely difficult. The result, of course, is that meagre resources have to be stretched beyond the breaking point in order to feed, house, clothe and educate children.

It is unfortunate that in our modern society it is still not the custom for two, or even three, generations to live together in the same household, and thus have to keep up one domicile instead of two, or, in other words, live under one roof instead of two.

I can well remember as a child that I rarely saw in Prince Edward Island a home, be it in the city—and we have only one city—in the towns, or in the country, in which there was not also living a grandparent, or an old aunt or uncle, or somebody else. Two homes were not required to look after the family.

The mass emigration of young people from low-income rural areas in recent years has meant that those left behind are often worse off than they were before. Their chances of escape from poverty, or of avoiding deeper poverty, or even of easing their burden, have been reduced. This is partly because the areas have too many old people and young children for the working-age population.

During my years as a member and chairman of the Mothers' Allowance Commission for Prince Edward Island, I and other members of the Commission had to deal with many cases of sordid poverty. Those were the days before many of the present social benefits came into existence. From my experience as a member of this commission I came to realize that poverty is really relevant. For instance, a family with a free farm—and by that I mean a farm that is free of mortgage—of 100 or 150 acres, and with two or three children, and a cash income of $3,000 per annum, can live quite comfortably because much of the food is produced on the farm, while the city or town worker with the same income and the same family, and having to pay for rent, fuel, food and clothing, et cetera, is actually at the poverty level. So, what amounts to poverty for one family can be comfortable living for another.

I would like to say that in Prince Edward Island this is quite true. In the years when the fishing is good the people in the fishing areas have good incomes. They can make as much as $6,000 or $7,000 in two months. If the fishing is poor, or the price for fish is low, their incomes decrease to almost the poverty level. Many of these people do not look ahead and save for rainy days.

To gain a lasting victory over poverty we must try to find means of easing the burdens that poverty puts on every man, woman and child in this lovely country. Let us have an atmosphere of pride and hope, and more willingness to share, to help, and to build. We must improve housing, create jobs and training centres, and institute programs of education and health so that all can become first-class citizens of Canada.

Hon. Paul Martin: Honourable senators, I think a matter of this importance calls for some comment from the Government, and that comment I propose to make now. Before doing so I want to join with honourable senators who have participated in this discussion in congratulating Senator Croll on the initiative he has taken.

I suppose I have known Senator Croll for a longer period of time than anyone in this chamber. He and I were citizens in the same community, during which time he served as its chief magistrate and demonstrated a deep interest in the problems of the workers and the unemployed. He was the Mayor of the City of Windsor during the depression, a difficult period in Canadian history. In those days he acquired a deep and understanding interest in the plight of the socially dependant groups in the community. Later, as Minister of Welfare in the Ontario Government, he demonstrated his further and continuing interest in this problem. It was therefore no surprise to me that he decided to respond to the challenge issued by the Economic Council of Canada. The initiative he has taken has been constructive. I am sure that the committee that will be established will serve, as have other committees of this house, a useful purpose.

The arguments in favour of a study by the Senate of aspects of poverty in Canada, whether rural, urban, or regional, arose largely, in the final analysis, I suppose, from the recent recommendation of the Economic Council of Canada which stressed in its Fifth Annual Review, as we were reminded by Senator Croll, the urgency of defining the problem of poverty and building the necessary public support for more effective remedial measures.

Anyone who is at all familiar with the problem would not seriously quarrel with that concept. On the contrary, there is widespread agreement among those who have closely studied the problem of poverty, or who have been actively engaged in dealing with it, whether in Government, the universities, or private agencies, on the urgent need for more studies and research into various aspects of poverty. We are all concerned with this problem. Most people in Canada, in their family backgrounds, have a personal understanding of what poverty means.

For eleven years I was the Minister of National Health and Welfare in Canada. I have a ministerial understanding altogether apart from my personal interest in this problem. It is from that point of view that I speak on behalf of the Government today.

As I see it, there are two main kinds of poverty problems in Canada. First, there are those individuals and families whose economic situation cannot be improved because they have little or no possibility of earning an income which would allow them to break through the poverty line. This is true of the chronically ill, for example, or the chronically handicapped, the aged and families with fatherless school-age children. The remedy here, since there is no possibility of a full-time breadwinner, is clearly one of providing these people with some form of income which would allow them to have a decent standard of living.

The fact that the Economic Council of Canada brought this to our attention in its Fifth Annual Report a few weeks ago does not mean, as the Prime Minister indicated in the other place, that this was the first time the Government or Canadians generally were aware of the problem of relative poverty in our country. Long before the Economic Council was established, governments in this country, members of this house, members of the other place, and social workers generally, were aware of the problem. The Economic Council should not consider that it is the body that uncovered this very important question.

The other kind of poverty stems from an entirely different set of circumstances. The basic difficulty in this instance is that the worker does not earn enough, either because of long-term unemployment or because of severe under-employment, as is the case in many marginal areas or industries, or because of the essentially seasonal nature of the jobs available to people in many parts of our country. The remedy here is not one of income assistance but of providing viable economic opportunities to those who, for various reasons, cannot participate in the benefits of our industrial society.

The main measures needed for this purpose have already been taken or will shortly be taken by the Government. I think it would be

a mistake to underestimate the various programs that governments of all political persuasions in Canada have brought forward, either on federal or on provincial account. I could not agree for one moment that the social welfare programs, for instance, that we have on federal account, have served their day, that they are no longer of any value. That view could not under any circumstances be accepted.

In the first place there are the manpower programs that were initiated in this country two or three years ago following the establishment of the Department of Manpower and Immigration, to insure that those unemployed and those likely to be soon unemployed receive the necessary training and counselling to permit them to obtain employment if it is available.

The second major set of measures are those commonly grouped together under the general heading of regional development. Traditionally, the approach to solving the problem of regional economic disparities—now very much in the mind of the Government—has been to deal with it through a series of measures implemented by different departments and agencies. The Economic Council in its Fifth Report has severely criticized this approach which, because of the multiplicity of government agencies involved, has almost inevitably led to duplication, sometimes inconsistencies, in programs and policies. The new department responsible for regional development under my colleague Mr. Marchand has been given the task of putting these various programs on a more rational and well-integrated basis in order that larger and more effective measures to improve employment can be taken.

The major area where the proposed special committee suggested by Senator Croll could make a most useful contribution, as I see it, and as the Government sees it, is in examining what special measures need to be taken in the fields of both assistance and employment so that people who have no prospect of entering the mainstream of economic activity can be saved from the destructive effects of acute poverty, and so that the new employment opportunities can be taken by those who have the capability and yet are in the greatest need.

It is widely recognized today, honourable senators, that poverty is not only economic but also social and political. For example, it has been found that the poor in cities have an extremely limited knowledge of the urban environment in which they live. Ways must be found to assist these people to break away from their psychological and other inhibitions, if they are to become useful members of society. It is by concentrating on issues such as these that the committee could best achieve its objectives of helping in a concrete and realistic way to eliminate the burden of poverty.

While this is a matter for which we must find a solution, it will not be solved unless we recognize the limitations attached to effort. It seems to me that the problem Senator Croll has projected is one that has an immediacy about it, an urgency. Though study is desirable, we are anxious to see what projects we can suggest to remedy the situation as it confronts us. A study that would take years is not one that will help us meet the problem. It would be a mistake to conclude that existing programs are of little value in trying to meet this problem. They certainly do not touch certain areas of poverty, but we should not fail to recognize that the various social measures do effectively eliminate many levels of poverty which would otherwise persist. I do not believe that a study or a discussion of this sort should overlook the work that has been done and the measures that have been provided.

One of the achievements, for instance, on behalf of the aged in Canada was the introduction of the Old Age Security pensions in 1952. Senator Croll was on the committee that had so much to do with this program when the universal scheme of old age pensions was established and the means test was eliminated. This heralded the end of the means test for those of 70 years and over. Senator Argue will remember the discussions in the other place on this point and the relevance of the argument of that day to the question of poverty as it existed in Canada. In the last few years, provision has been made to lower the age of eligibility gradually to age 65. On January next all those 66 years of age and over will be receiving the benefit in Canada. Over the years the benefit has been increased substantially, and the rate is being adjusted upward in response to increases in living costs. With the next adjustment in January, the rate will be $78 a month.

Over one and a half million people will receive the pension this year. The federal expenditure will be about $1.3 billion. For those who require a greater income than the flat-rate pension, a guaranteed income supplement is now available. The maximum combined benefit will reach $109.20 next January. At the end of the last fiscal year, slightly

more than 700,000 persons were in receipt of the supplement. In the current fiscal year the estimated expenditure on the supplement will amount to $240 million.

These old age security programs have made a significant contribution, and they continue to make a significant contribution to the reduction of poverty among older people in Canada. It must be kept in mind that in those individual cases where these benefits prove insufficient, because those involved live in areas where living costs are higher or where health and welfare services are needed, the federal Government is prepared to share the costs for further provision of this type under the Canada Assistance Plan.

Quite apart from these three types of benefit, the Canada Pension Plan and its counterpart in Quebec have started an orderly build-up of pension protection for contributors under this nation-wide pension system. In addition to requirement benefits, survivors' pensions are now being paid for the first time this year.

In recent years, as we all know, family allowances have been extended to a higher age group in the form of youth allowances. These two programs have been helpful to low-income and large families. Estimates of the income redistribution effects of these programs show clearly that the low-income provinces have been the most important beneficiaries.

The impact of Canada's social welfare legislation on the prevention of poverty and the aid provided to those in the lower income groups has been considerable. Indeed, much of the current discussion on poverty ignores far-reaching achievements which have been made in Canada, and our record compares, I think, favourably with that of almost any other country.

I am not arguing that we should be complacent. The Fifth Annual Review of the Economic Council on "The Challenge of Growth and Change", as Senator Croll has reminded us, has served to underline that much more needs to be done to cope with poverty in Canada. Fortunately, a wide variety of initiatives have been undertaken by the federal Government which will greatly extend government efforts to reduce poverty. They include, for example, ARDA, FRED, the Atlantic Development Board, the manpower mobility program, the adult occupational training program and the greatly improved counselling and placement activities under manpower services and work activity projects under the Canada Assistance Plan. The establishment of a new Department of Regional Development will do much to co-ordinate regional programs and to focus government aid in areas requiring special attention.

Matters such as programs for Indians and federal provision in the field of housing are under active review at the present time, to determine what new approaches need to be developed. These are all programs which are designed to meet in some way the question of poverty to which the Economic Council has directed our attention.

The guaranteed income supplement is providing experience in the application of the guaranteed annual income concept. The income test is related to the income tax in much the same way as is proposed under some proposals for a guaranteed annual income. Canada is one of the few countries that is testing this approach. And I am conscious of the fact that Senator Croll played a part in bringing this about. A great deal is being written in the United States, the United Kingdom and other countries on this subject. It is a topic which will certainly receive close scrutiny in Canada in the years immediately ahead. It is apparent from the outset that the concept which is disarmingly attractive on the surface, unfortunately raises some very difficult and contentious problems, such as how to integrate with existing social security programs, how to finance an annual income that is adequate, how to get agreement on what is a level of adequacy in a country such as Canada with widely varying costs and standards of living, and how to work out jurisdictional problems in a federal state.

It is apparent that many stubborn problems face us when we look for solutions to poverty in Canada. But that should not prevent us from moving along. With study and research, with discussion and dialogue, it will be possible more clearly to identify the nature of problems and alternative solutions. Out of this process may come some new approaches and some realignment of existing approaches. If the proposed Senate committee can achieve such results, it will make a lasting contribution to the efforts of Canadians to reduce and eventually to eliminate such poverty as we can in our country.

The major area touching upon hard-core poverty which is still largely unattended is that which is at the juncture of two worlds: the world of the user of selective social security programs, and the world of the administrator of such programs. We have not yet

found a way of guaranteeing that Government programs reach those for whom they are intended. While this is true of most government programs, it applies especially well to programs designed for the underprivileged. Hard-core poverty breeds a sub-culture of its own, the main characteristic of which, especially in urban ghettos, is a communications system which has very little in common with the system which affluent society uses. I think it would be useful for the Senate committee to examine whether the information which the different levels of Government put out on their social security programs reaches out to the hard-core poverty. What does written information convey—be it in attractive three-colour folders—when one cannot read? How does one feed information back to distant, complex, impersonal government bureaucracies when one cannot write?

There is another area of social programming, quite apart from information, which is of direct relevance to those in hard-core poverty: that of delivery of services. It is true that most social security programs are administered by the provinces and that this question is primarily a provincial one. It is also true that under present cost-sharing arrangements, the Government of Canada provides at least half of the cost of these services. It is at this level of counselling—where the user and the dispenser of government programs come together—that breaches to individual rights and dignity occur and that "parity of Canadianism" suffers. I therefore would suggest that the committee design pilot projects to examine the methods through which services are presently made available to users of the main social welfare and social assistance schemes—and I think that part of this was touched on by Senator Croll in his opening statement.

Do the people employed by governments across this country to administer income maintenance programs and social assistance measures generally consider that users have a right to benefits? Or do they operate the programs on the premise that social benefits are a privilege? Do counsellors in social welfare inadvertently create dependency in their "clients" because their own careers benefit from the size of the caseload assigned to them or the number of "permanent" cases which become their responsibility? I am not suggesting that they do, but this question is asked. I agree that these are highly complex questions to which it is not easy to find clean and clear administrative answers. Yet, it seems to me that until we can find ways to make available to those in need the help they require without killing their motivation to work or destroying their dignity as human beings, we will not have begun to solve the problem of hard-core poverty.

The day may be soon upon us when "client power" is as current an expression as those presently making headlines almost every day: "student power", "Black power", "Red power". Participation by individuals in decisions affecting their way of life in a very immediate and intimate fashion is a matter which concerns all of us. It is known to be part of the basic philosophy of the present Prime Minister of Canada. It appears to me also to be an important dimension of the very texture of democratic societies. This too, is an area in which the Senate committee could usefully take a searching look, devising better methods of participation by users of government services. There are projects afoot in many provinces of this country in which different ways of involving people more closely in programs affecting them are being tried out. Assessing these different methods and comparing results would undoubtedly throw light upon a difficult subject which, by universal consent, is now in need of examination.

If the Senate were to mandate its committee to study the techniques used to, (1) inform people of the programs available to them, (2) counsel them on the use they can make of such programs, and (3) involve them in deciding for themselves how best they can break out of the cycle of poverty, it would be performing a very useful task which few other institutions in this country could tackle. It is a matter of common knowledge that thorough self-assessment is beyond the capability of most human beings and that evaluation of program efficiency, likewise, cannot exclusively be left to agencies and departments responsible for their implementation.

Honourable senators, I have risen to support the proposal put before us by Senator Croll. I have sought to indicate what I believe might be useful parameters for action. I have done so fully conscious of the fact, however, that while we have a problem of poverty to meet in this country—I think the figure given was 4 million out of a population of 21 million—it should be remembered that we have not refrained from taking action over the years to provide instruments which will give additional security in a social way to thousands of Canadians. In that process Senator Croll has been a leader. I am pleased as a fellow senator and as a fellow townsman to pay him this deserving tribute.

Hon. Jacques Flynn: May I ask a question of the Leader of the Government? Should I take from his remarks this afternoon that he would like the terms of reference of this committee to be more explicit? He expressed implicitly a fear that the terms are too wide now, and that the committee could do a better job if the motion were amended to give the committee a specific mandate in some of the areas which he has specified.

Hon. Mr. Martin: Well, as I recall the words of Senator Croll himself, he clearly indicated his view about the immediacy of the problem and the desirability to be clear as to priorities. He spoke of the pilot projects which should be examined. I am sure that the general indications which he gave in his speech are consistent with what I myself have said today and with what I believe to be the correct course for the committee to take.

Hon. Mr. Flynn: Perhaps the Leader of the Government and Senator Croll view the problem in the same way, but as I have followed the debate since it began on October 8, it has been wider than the debate on the Address and has taken much more time—and the Leader has seen no objection to that. I do not know if he has changed his mind on the theory he first expressed in his debate on the Address, that we should not be too long in debate. However, my point is that the speeches have covered such a wide range that there is no consensus as to the exact limits within which the committee should operate, and that is why I ask the Leader if he would provide some guidelines for the committee.

Hon. Mr. Martin: I endeavoured to do that in the very suggestions I made today. I gathered from listening to Senator Croll and from reading his speech that that is what he had in mind as well.

It is inevitable in a debate like this—protracted as it has been, though it is not without value on that account—that there should be much generalization. Each speaker has brought into play his or her own personal experience, while at the same time giving support to the principle underlying the proposal put forward by Senator Croll.

Now, if the committee were to examine into all aspects of poverty, obviously it would be duplicating much that is already known. The Department of National Health and Welfare, the various social and welfare departments of the provincial services and of municipal governments have now categorized and catalogued much of this information. They did so long before the Economic Council spoke out. So it is not necessary to repeat findings that everyone knows.

The question is what are the best methods for dealing with this situation. What is practical for us, in the light of existing programs, in the light of the necessity of trying to do something to curtail the extent of poverty in this country? That is a matter that the committee will deal with in its organization. It will set up a steering committee. It will have the advice of social workers and the like. Those of us who will be members of that committee will have an opportunity of giving the guidance which we think a matter of this kind requires.

Hon. Mr. Flynn: Because of some fears I have as to the generality of the terms of reference, I would move the adjournment of the debate.

Hon. L. P. Beaubien: May I say a word, honourable senators, before the debate is adjourned?

I have listened to a good deal of this debate on poverty. A lot of it has been intensely interesting and has given us an idea of how many people there are in our very affluent society who are really living at the poverty line. It is obvious that so far as tax dollars are concerned there is no more money to be spent. We are overspending to a large extent now. And I am not trying to talk politics now; I am talking economics. We are overspending at a rate that is going up by leaps and bounds. If you look at each level of government in the country you will see that it is getting terribly difficult for the federal, the provincial and municipal governments to raise the money that they must have.

Let us go over the figures that the honourable leader gave. He spoke about the old age security payments, saying that the cost to the federal Government for that was something in the order of a billion dollars a year.

Hon. Mr. Flynn: He said $1.3 billion.

Hon. Mr. Beaubien (Bedford): He has also told us that of our population of 21 million there are 4 million who are living below the poverty line.

Hon. Mr. Martin: Those are the figures of the Economic Council.

Hon. Mr. Beaubien (Bedford): If that is so of the whole population, then, give or take a little, it should be roughly the same percentage among the older people, or the people of

our generation. If that is the case, 20 per cent of the people who are receiving this $1.3 billion need it. The other 80 per cent do not need it. Now, what is 80 per cent of $1.3 billion? It is $1.04 billion. Does it make any sense, when we cannot find the money to do the things we have to do, that we sit around and pass our time sending cheques to people like ourselves to put in the bank so that they can turn right round and write out cheques to send back as income tax to the Government? It is the most unbelievable exercise in futility to be sending out $1 billion worth of cheques to people who do not need it and not to be able to find a cent for the people who are in desperate need. We just do not seem to have learned anything. We keep going on and on giving money to people who do not need it. If I enter hospital for x-rays or other medical treatment, everything is paid for. Now it is fine to give such things to people who need them, but why give them to those who can pay for them?

Honourable senators, instead of having us all sitting around and talking in platitudes about what can be done, why do we not get down seriously to considering how to cut out all the waste? Until we do that, all this discussion will mean absolutely nothing and will make no sense.

Hon. Mr. Martin: May I ask my honourable friend a question? I am sure he would agree with me that this may be one of the questions that the committee would want to examine thoroughly. Also, why did the honourable senator and the majority of the people of Canada insist in 1952 on the elimination of the means test which brought about these universal payments?

Hon. Mr. Beaubien (Bedford): Does not the honourable leader think that the people of Canada may have learned something since then?

Hon. Mr. Flynn: Maybe the people of Canada have but maybe the Leader of the Government has not.

Hon. Mr. Martin: That may be. He that humbles himself shall be exalted.

On motion of Hon. Mr. Flynn, debate adjourned.

CANADA EVIDENCE ACT

BILL TO AMEND—SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Cook for the second reading of Bill S-3, to amend the Canada Evidence Act.

Hon. David Walker: Honourable senators, may I first offer my congratulations to my kinsman from Newfoundland, Senator Cook, who in a succinct, brief and precise way introduced this bill. It was good to hear that there are to be amendments to the Canada Evidence Act which has not been revised in 75 years. It was introduced first in 1893 and has been only amended since then. There were also some other matters that he might have mentioned, but I do not expect my honourable friend to be an authority on everything.

The Hon. the Speaker: Order, order.

Hon. Mr. Walker: Let Senator Martin keep on talking. After all, he is the leader of the Senate!

Hon. Mr. Martin: I am sorry if I interrupted the honourable senator.

Hon. Mr. Walker: I do not mind that at all. Things like that are not very important.

There are some very important amendments to this bill. First of all we find that subsection 2 of section 7 of the act is to be repealed. This will be a good thing. Many of us who have acted as trial counsel will well understand what this means. If you look at the opposite page you will see that subsection 2 says:

> Such leave shall be applied for before the examination of any of the experts who may be examined without such leave.

In other words, in a trial connected with an automobile accident, let us say, if you wanted to call more than five expert witnesses you had to apply to the judge before the trial began. Most of us did not expect to have to call five experts in such a case, and then when we found it was necessary to do so, it was too late to ask, because the trial had commenced and we were stuck. And no matter what the judge might wish to do, it was not possible for him to allow the calling of more than five witnesses at that stage. By doing away with subsection 2 of section 7 we are doing something that should have been done years ago. The situation now will be that if you have five, six or seven expert witnesses, you will be able to call them. As I say, this should have been done a long time ago.

We come next to clause 2 which amends section 9 of the act. This is very important. Hitherto, you could be at trial and you could call your first witness thinking that he was your best witness because you have a signed statement from him. But, lo and behold, you find that somebody has got to him in the meantime. Senator Croll will understand about that. And when you call him, he gives an entirely different story from the one he has given in the signed statement. As the law now stands, nothing can be done about it. You are taken by surprise; you can appeal to the judge, but nothing can be done. The witness appears to be very pleasant, and is not in any way nasty, and cannot be described as hostile, but he gives a story which is the direct antithesis to that contained in his signed statement. Under this amendment it will be possible for counsel to cross-examine his own witness on a statement which he has previously made and signed. Section 9 of the old act which is referred to in clause 2 of this bill is to be found in the explanatory notes on the opposite page.

Then we come to clause 3 which is another very important clause because it amends section 29 of the act by inserting "financial institution" instead of "bank". The rules as to bringing in of documents from banks were set out rather fully, but now because of the growth of financial institutions it will be possible to extend the same rules of evidence to financial institutions. I would have thought that "financial institutions" would have been defined here but instead we find it at the bottom of page 3. Perhaps in finally reframing this act, "financial institutions" might be defined at an earlier stage. The definition at the bottom of page 3 is as follows:

> "financial institution" means the Bank of Canada, the Industrial Development Bank and any institution incorporated in Canada that accepts deposits of money from its members or the public, and includes a branch, agency or office of any such Bank or institution;

That is a very good change because as we know now banks are not the only institutions accepting deposits, and this will cover loan companies, mortgage companies, trust companies and other institutions. Therefore it is appropriate that the rules of evidence as to the production of documents should be applicable to all financial institutions, rather than being limited to banks.

The same change applies on page 2 of the bill. All it does is to change the wording from "bank" to "financial institution", and applies to the reception of evidence such as the proof of cheques and the proof of signatures, and also applies to questions where special orders are necessary. It is not necessary for me to go into this in detail at this time because I assume that it will be considered thoroughly when the bill is before the Standing Committee on Banking and Commerce under Senator Hayden.

Then, honourable senators, coming to page 3—

Hon. Mr. Roebuck: Before you come to that, may I ask a question?

Hon. Mr. Walker: Certainly.

Hon. Mr. Roebuck: Senator Choquette said the other day that you never ask a question until you know the answer. However, I ask this now because I want to know something that I do not know.

Hon. Mr. Walker: He meant just at the trial, not here.

Hon. Mr. Roebuck: This clause says "...institution incorporated in Canada that accepts deposits of money from its members or the public,..." Are there any institutions in Canada accepting deposits that are not incorporated in Canada?

Hon. Mr. Walker: I would not know that, but I would think not. I would think that at least there would be a Canadian branch, but I have not any knowledge of that. I am sure the matter will be dealt with in the Banking and Commerce Committee.

Hon. Mr. Martin: Co-operatives, perhaps.

Hon. Mr. Walker: But they have a Canadian branch. Otherwise there is no way of controlling them. I would certainly think with financial institutions it may be an unnecessary precaution to say "who are incorporated in Canada", because I think most of them, if they are going to operate here, must form a subsidiary Canadian company.

Then on page 3, subsection 6a is being added, and it too is very important. It reads:

> Nothing in this section shall be construed as prohibiting any search of the premises of a financial institution under the authority of a warrant to search issued under any other Act of the Parliament of Canada, but unless the warrant is expressly endorsed by the person under whose hand it is issued as not being limited by this section, the authority conferred by any such warrant to

search the premises of a financial institution and to seize and take away anything therein shall, as regards the books or records of such institution, be construed as limited to the searching of such premises for the purpose of inspecting and taking copies of entries in such books or records.

These clauses make provision for searching the records of institutions, and when someone walks in with a warrant under one act or another, unless that warrant has specifically on it an endorsement by the person under whose hand it is issued that it is not limited to this particular subsection 6a of the Canada Evidence Act, then the person with that warrant cannot seize papers. All he can do is follow the rules of the Canada Evidence Act and simply make copies of any documents he hopes to introduce in court.

Section 29 deals with "financial institution", which is outlined in full in subsection 3 at the bottom of page 3.

Then we have in clause 4, the top of page 4, the new section 29A which deals with additional methods of introducing evidence in court. I shall not go into them in detail because they are comprehensive.

I remember in 1930, after the crash, I was articled to Mr. W. N. Tilley, who was appointed counsel to prosecute the brokers. My friends Senator Roebuck and Senator Croll will remember this. Five of the most important brokers were prosecuted, and Mr. Tilley was assisted by the late Grant Glassco, who was a young accountant at the time. You cannot imagine the trouble Mr. Tilley had in proving these records because of the very limiting rules of evidence. We had a whole court room full of original documents, because there was no way then, as there is today, of taking copies and having supporting affidavits entered in the regular way. Not only did they have to put in original records, but they had to bring up the manager or person who made those records. The trial went on for many weeks, with the result that the jury almost forgot what they were there to do. A couple of very clever counsel were paid high fees to get these rogues off, and because of the smokescreen which these intricate laws of evidence forced the prosecuting counsel to bring up, some of the accused almost got off, and one very guilty person did. However, four of the five firms were found guilty.

On page 4 of the bill are the rules which simplify the entry into evidence of records. For instance, section 29A (1): Is the record admissible? If oral evidence, touching on the same matter as is included in the record, is admissible, then the record is admissible. Is that not a simple thing? And yet, in the old days, one would have to take the whole matter before a judge and argue for half a day whether or not a record was admissible.

Then, in subsection 2, where a record made in the ordinary course should disclose a fact which is alleged, and where ordinarily one would expect that fact to be set out in that record, and that fact is obviously absent, then under this subsection a judge alone or with a jury is entitled to infer that there is no such fact; otherwise it would have been incorporated in that record. That is a simple improvement, and why was it not done before?

One could go all the way through this bill, but these subsections will be considered in the Banking and Commerce Committee, and I am not going to try to amplify them at this time, particularly because of events which are to take place later today. However, these changes are all to the good, and I do not know why they were not made before. Anything that comes from the Justice Department is usually pretty sound. They have able people over there. Maybe I am prejudiced because at one time I was Parliamentary Assistant to the then Minister of Justice, Mr. Fulton. In any event, there should still be a comprehensive study of the whole law of evidence. It is a fascinating study. We got our original precedents from the old English Common Law and the old English common law practice. Much of it has been incorporated in statutes, and much more will be. I trust that when the Justice Department have the time they will put one of their best men in charge of such a study. In that way we can have the Canada Evidence Act completely overhauled.

It is my understanding that in the meantime this draft bill—and my friend the Leader of the Government will correct me if I am wrong—has been submitted to the Law Societies, the Canadian Bar Association and, more recently, to a Conference of the Chief Justices of the various provinces of Canada, and no serious objection has been made, as I understand, it, to what this bill purports to do.

I trust that the bill will be given second reading, and that as suggested by my friend Senator Cook, it will be referred to the Banking and Commerce Committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Cook, bill referred to the Standing Committee on Banking and Commerce.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1968

SECOND READING

Hon. Azellus Denis moved the second reading of Bill C-124, to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company and by Air Canada.

He said:

[*Translation*]

Honourable senators, the sole purpose of the bill which I have the privilege to introduce is to authorize the Canadian National Railways Company to make capital expenditures, to enter into contracts, to meet obligations, to borrow money, either by the issue or sale of securities or by way of loans from the Minister of Finance within the time limits and for the amounts and periods indicated in this bill.

Therefore, this bill authorizes the government to lend sums of money, to guarantee issues of securities, to make advances, if need be, to the Canadian National and Air Canada companies. The government also sees to it that the loans and guarantees it provides are protected by determining and approving the interest rates, the form, the conditions, the deposits of money resulting from the issue and sale of securities and so on; it obliges the Canadian National Company to include in its annual report a statement about the amounts borrowed, and an estimated statement of the amounts required must appear in the annual budget of next year.

The Canadian National system is also authorized to invest in Air Canada as well as in other affiliated companies.

This bill resembles all the other bills which come for approval regularly every year before both houses, with two exceptions: the first appears in clause 7, paragraph 3 which authorizes Air Canada to borrow up to an amount of $130 million directly from Her Majesty, or to issue securities on the market, with government guarantees, while in the past Air Canada was not authorized to issue securities on the market. This amount does not include the $75 million which Air Canada will be able to borrow from the C.N.R.

The second amendment authorizes the C.N.R., in a general way, to borrow up to $16 million for the construction of its branch lines. Until now, the company has had to ask Parliament for authorization every time it wanted to build an important branch line, that is, one over 20 miles long. That is why last month, for example, we passed a bill authorizing the construction of a railway and a branch line in Manitoba, a piece of legislation which was so ably presented by our distinguished colleague, Senator Maurice Bourget.

Hon. Mr. Martin: That is a well-deserved compliment.

Hon. Mr. Denis: It might be useful to point out among other things, that the capital expenditures of the C.N.R. which amount to $264,400,000 this year reached $264,800,000 last year and that the investments of Air Canada, as mentioned in clause 3 of this bill, amount to $75 million this year, whereas they totalled $67 million last year. Except for the amounts borrowed for the construction of branch lines and for Air Canada, the C.N.R. does not need to borrow from the government for other capital expenditures. The guarantees or total loans made by the government in that bill amount to $221 million—that is, $16 million for the construction of branch lines and $205 million for the needs of Air Canada—and as I said a while ago, $75 million that the C.N.R. will invest in Air Canada, and the authorization to borrow or to issue securities for $130 million, whereas the last bill provided for $122 million entirely for Air Canada.

It is expected also that with advances made by the minister it will be possible to make good the operating deficits before July 1, 1969 of the C.N.R. and also of Air Canada; those advances are reimbursed as they are made out of those companies' revenues and, should they be insufficient, by appropriations voted by Parliament. Those details can be found in clauses 11 and 12, I think. The C.N.R. expects this year a $35 million deficit; last year's deficit amounted to $35,869,000.

However, as far as Air Canada is concerned, things are better. Its debt up to December 31, 1967, including notes and obligations amounted to $302,819,500 and shares amounting to $5 million, all held by the Canadian National. Air Canada made a profit of $3,500,000 last year.

I should add that loans and guarantees of the government, mentioned in this act, represent a maximum which the Canadian National and Air Canada can use, totally or partly, according to their needs.

The bill provides for the upholding, in 1969, of the authority granted the government to purchase preferred shares of the Canadian National Railways of Canada and, as agreed to in last year's act, the renunciation to payment of interest on $100 million; these are clauses 13 and 14.

Finally, this legislation authorizes the Minister of Finance to sign, on behalf of Her Majesty, any guarantee provided therein (clause 8) and also provides the appointment of independent auditors (clause 15), in accordance with the Canadian National Railways.

Honourable senators, I intend to propose that the bill be referred to the committee on transport and communications; I have the honour to ask you to pass it on second reading.

Hon. Edgar E. Fournier: I wish to thank Senator Denis for his explanations on Bill No. C-124 which should give satisfactory results.

I must say that I entirely agree with him.

[*English*]

However, I believe we are receiving this bill, as we have in the past, at a late date because all of this money has already been spent without any authority. I am not critical of this, however, because this is the kind of routine matter that has been taking place year after year. To me financing the Canadian National Railways is not an easy function. Because of the old lines and the old deficits which were accumulated during construction, the amalgamation of many lines, many of which were useless in the state in which they were taken over, not being serviceable, an extensive construction program had to be undertaken, necessitating spending a lot of money.

I find the report interesting, and I should like to quote some figures. Again I am not critical of the figures. These are taken from page 31. The total railway operating revenue for 1967 was $945,212,669, against total railway operating expenses of $942,443,611, leaving a net railway operating income of $2,769,-058. This is not bad because it shows revenue, but we are not taking account of the debt yet. This is the crucial part of the report. Going on to income, we find for the telecommunications department, hotels, trucking operations and other sources, revenue of $26,413,913, which gives a total interest on the debt of $78,909,630, less interest received on loans from Air Canada of $13,857,462. The net interest on the debt is $65,052,168, leaving a deficit, as mentioned by my honourable friend, of $35,869,197. One can see that the interest itself is almost double the deficit.

If we turn to the following pages we come to an alarming figure. The total long-term debt of the Canadian National was $1,772,840,-026. I do not believe this long-term debt will ever be repaid. It has been carried on year after year. The Canadian National is owned by the Canadian people and there should be some way of absorbing some of these debts, trying to reduce them, in order to reduce the interest which cripples the financial operations of the C.N.R. every year.

The Canadian National is Canada's largest business. It has over 90,000 employees and covers 34,964 miles of railway track; it has 2,165 locomotives and other motive power equipment, 106,745 freight cars—box cars, refrigerator cars, gondola cars, and so on; 2,491 passenger cars; and it operates 13 ferries, barges and tugs. Last year this equipment covered 2,397,831,299 miles. This is quite a distance.

The freight revenue is also very interesting. The revenue was $678,099,947, an increase last year of 1.5 per cent over 1966, because this is the 1967 report. The passenger revenue was $83,885,978, an increase of 24.3 per cent. This is an amazing figure, and a very pleasant one. We must, however, take into consideration that this is the report for Centennial Year. Unquestionably in the minds of many senators there was a big increase in the passenger service last year. I am told—although this is something I have not verified—that the passenger service so far indicates an increase of 8 per cent over last year. This shows that people are going back to the railway, for many reasons. Our highways have become crowded with cars; there are too many accidents. On the railways the service is better, the trains are better, meals are better, and everything is better.

This summer I had the pleasure of making a trip from Montreal to Vancouver by railway, and it was really a treat. The service was very good, the meals were excellent, the atmosphere of friendship among the passengers was of the best, and the courtesy of the staff was without reproach. This again indicates why people are returning to the trains, and I hope they will continue to do so.

Yet, honourable senators, the train service is used by only a small minority of people,

because of the comparative slowness. People like to travel fast nowadays and many are using air services. We are spending billions of dollars to provide facilities for air services, and I believe that in time it will be necessary to help the passenger services on some lines which do not pay very well. I know that a community without a passenger service and no other travelling facility becomes a desolate area.

In my own little community riding some 15 years ago we had four different passenger service trains—Canadian Pacific, Canadian National, Temiscouata, and Bangor and Maine. For the last four years we have been without a passenger service, and you have no idea the effect that has had. We have no air travel facilities, because the nearest airport to my riding is 175 miles away. However, last year, Centennial Year, Senator Burchill was kind enough to let us have one of his trains, because C.N.R. had four trains going up that way—the *Cabot,* the *Ocean Limited,* the *Scotian* and what we call the local, which used to be the old *Maritime Express.* This has made quite a change in the community. We applied for a train for several years but were not successful. Last year, Centennial Year, the C.N.R. saw fit to give us a train. It is running to full capacity all the time and reservations have to be made ahead of departure. The service maintains a good schedule and it is a satisfactory arrangement. I am very grateful to Canadian National for this, and to Senator Burchill for giving us one of his trains.

I was talking about the passenger service. Perhaps in the few minutes I have left, without boring honourable senators with a lot of figures on the financing of the Canadian National, which is quite complicated, and which you all have, I should like to say that I think the Canadian National is at this moment doing a very good job. There have been many improvements for employees, public relations are much better and there is an entirely new atmosphere.

Much is now said about the new turbo train. As an amateur railroader I have taken a great interest in this turbo train. Naturally it will revolutionize train service, and it is an evolution in train design. Two weeks ago I had the pleasure of visiting one of these trains, and I should like to express my thanks to Mr. Feller, Assistant Secretary to the Vice-President of Canadian National in Montreal, and Mr. Cann, Technical Director in charge of construction of the turbo trains. After annoying Mr. Feller for two hours one morning, in his office, asking questions of all kinds, he finally arranged a tour to one of his trains. I was accompanied by Mr. Cann, and my tour lasted about three hours. I had the privilege of viewing one of the trains from the inside, the outside, underneath and from the top—believe me, it was a revelation!

This train has many technical aspects. Perhaps I may give a few details. The train is aerodynamic in design, which enables it to travel without too much air resistance. It will have seven cars including the turbo-power locomotive. It has a modern design and when you sit in it you think you are in a jet. It does not look like a train at all, and it does not ride like a train. The seats are designed like those in airplanes. Meals will be served by stewardesses at the passengers' seats, and there will be attendants in the club cars.

The train, which will carry 340 passengers, will have two classes, a first class and second class. The train is all aluminum which, of course, makes it lighter in weight. It has made a few trial runs between Montreal and Toronto, and it has also made some in the United States. During trial runs it travelled as fast as 160 miles per hour. The train will be able to accelerate up to 120 miles per hour within five minutes. The proposed overall speed is 90 miles per hour. This will shorten the travelling time on the Toronto-Montreal run by one hour. The *Rapido,* which is one of the fastest trains today, travels at 90 miles per hour 67 per cent of the time, whereas the turbo will travel at 95 miles per hour 88 per cent of the time. This is due to many factors, such as a single set of wheels. It has one axle with one wheel on each side. The axle is set between the two wheels and supports the front end of one car and the rear end of the other. This reduces the number of wheels. Another feature is that the wheels on the power cars are all made of steel. There are two power turbos, one at each end. One is a tractor type and the other a pusher, although they operate in an identical manner, depending on the way in which the train is travelling. One pulls and the other pushes.

There are three turbos or motors in each locomotive. Two are for the traction power and one for the servicing of the cars, which includes all utilities such as heating, ventilation, lights and operation of doors and steps. The turbos are not very big; they are what we call the ST6, a modification of the PT6 turbo aircraft engine. They weigh less than 400 pounds and can produce 400 horsepower, approximately a pound per horsepower, which is amazing. The turbos are connected together end to end. A compressor is operated

which in turn feeds an extra supply of air to operate the turbos. The power, supplied through drive shafts, will go first by these interim connections to a gear or reduction box and from there to a transfer case, and then to two drive shafts connected to the driving wheels of the locomotive.

There are two axles and two wheels under the locomotive unit. It is one of the features of the train which has amazed many people. What really impressed me was the new type of brakes. There is only one brake shoe per wheel, and instead of braking on the sides of the wheel it brakes over the top. This brake is very effective, although it is the old conventional air brake system. By pressing over the top of the wheel it eliminates vibration and it keeps the wheels on the rails when the train makes a sudden stop. Another feature of this system is that all brakes operate at the same time, uniformly, by electric relays. This is contrary to the old conventional train where the brake application takes effect on the first car, then on the second car, and so on until it reaches the last car. This new method apparently has been very effective, and the braking action is smooth. There is no noise and the train can be stopped in a much shorter distance than is the case with conventional brakes.

The cars are tight together, and there is no backlash. The old locking-pin device is back in service. Everything is tight. When the engine moves half an inch, the rear car moves half an inch. Everything is rigid. This makes it much more effective, and gives a smoother ride.

As to the cars themselves, the conventional train car is 13 feet 6 inches high and 9 feet 6 inches wide, whereas the turbo car is 11 feet high and 10 feet wide.

Another feature which helps to increase the speed of the turbo train is that the distance from the floor to the rail is 42 inches in the case of the conventional train compared to 32 inches in the turbo train, about a foot lower. The train does not actually rest on the axle but floats on air chambers, and when it is idle it stands lower than when it is running. Once the turbo is started, air is sent through the system and the train rises about 3 inches and floats on a cushion of air, something like the tire of a car.

The suspension, which is new, is a torsilastic suspension. It has been tested and has proved to be very successful. It is not like the conventional train, resting on the axle. It is suspended from the top, like the pendulum of a clock. Perhaps the best way to illustrate its action is to assume that while I am standing on my two legs the floor should lean to one side. Naturally I would keep my body straight by bending one knee. The torsilastic suspension system acts in exactly the same way. The two suspension rods have knees to bend, and one will bend on a curve while the other will remain straight. If this floor were to rise on one side I would remain level by bending, say, my left knee and by forcing my right knee straight I would lean against the curve.

The curve of the track, at the highest curve elevation, is approximately 3 inches. This is the highest permissible elevation. This will have the same effect on the train as if the elevation were 15 inches, which would be impractical, because the train would upset at that elevation. The effect of this torsilastic suspension is that, although the grade is 3 inches or less, it will allow the train to take curves at very high speeds, with the car leaning towards the inside of the curves, against the centrifugal force which otherwise would force it toward the outside. It is just the opposite of what takes place on the conventional train.

All doors are sliding doors and can be operated by the conductor from one control. There are three steps after the doors are opened. The doors are in the centre. For instance, the train will sit in the station at Montreal and if one wants to get out of the car, one has to climb three steps to get out.

The train rides naturally much more closely to the track than in the case of the conventional train.

Honourable senators, as I said a while ago, it is an aerodynamic design, to reduce friction. The train is all aluminum. It is much lighter. Perhaps these figures will be of interest. The weight of one of these turbo trains is 600,000 pounds, compared to the conventional train which we have today, weighing about 2,300,000 pounds. It is much lighter in weight, and there are many other features.

One of the things which amazed me was concerning what we all knew on the old locomotives as cow-catchers, the steel guard, and so on. The red nose which you see on the train is plastic; its purpose is that of a spinner on a propeller, to reduce air resistance, but I can assure you that behind it all there is the protection required.

As regards the operation of the locomotive itself, it is very simple. There is one lever—like that of the electric cars of the old days, where a lever was swung—and this lever controls everything. There are a number of green

and red lights, telling the engineer what is taking place. He controls everything by means of these light indicators.

When he applies the brake, the power is automatically cut from the turbos. When he applies the power, the brake releases itself.

Honourable senators, these are only some of the features. I hope the day is not very far off when we can all have a trial run on this train, as I think all senators would enjoy it. It is something new, and it is something that people expect. I am sure this will revolutionize the railway service and I hope very much that the Canadian National Railways will find this train successful, and I wish them all success.

Hon. Senators: Hear, hear.

Hon. G. Percival Burchill: Honourable senators, we listened with very much pleasure to Senator Edgar Fournier's most informative address. I was deeply interested in his description of the achievements of the Canadian National Railways. I hope that its new activities and operations will not be confined to the provinces of Ontario and Quebec, but that the C.N.R. will find a way of using this new train in the provinces of Nova Scotia and New Brunswick and also in the other Atlantic provinces.

Honourable senators, I endorse what Senator Fournier has said about the service and the courtesy of the officials of the Canadian National Railways. I travel extensively by rail, because my home, like that of Senator Fournier, is not near an airport. I must give the railway employees full marks for their courtesy to me and to all the other passengers. We have a very high opinion of them down in our section of the Province of New Brunswick. We are proud of the officials of the C.N.R.

Honourable senators, I am not entirely happy about Senator Fournier's remarks regarding robbing us in our section of the province of a superior train, the great *Ocean Limited,* which began long ago. We always considered it as one of Canada's crack trains. We were robbed of that and it incurred the indignation, let me say, of the mayors and citizens of many towns on the north shore of New Brunswick.

However, they have substituted for the *Ocean Limited* a train called the *Chaleur,* which originates in Moncton and runs to Montreal. I complained last year or the year before about the timetable of the *Ocean Limited,* under which it arrived at Montreal about 15 minutes after the departure of the train for Ottawa, so that passengers on the *Ocean Limited* had to wait in Montreal about two hours for the next train. This means that we did not reach Ottawa until the afternoon.

That matter was aired at a meeting of the committee here, when the officials of the C.N.R. were present. I am happy to give the President, Mr. MacMillan, full credit because we had some correspondence and when the schedules were drawn up that difficulty was wiped out. In fact, the *Chaleur* arrived on a schedule that gave us about 15 or 20 minutes to make the connection for Ottawa.

Now, however, with the new winter schedule we find that it is the old story again. We arrive in Montreal half an hour after the train for Ottawa has left. At that hour of the day, when you cannot do much business in Montreal, you just have to sit there in the Central Station for two hours.

Hon. Mr. Macdonald: May I ask the honourable senator a question? Is it not a fact that the *Ocean Limited* now arrives one half hour before the train departs for Ottawa?

Hon. Mr. Burchill: It may, but that train does not serve our section of the province. It serves Senator Fournier's section but it does not do us any good.

I intend to register another protest. I hope the officials of the Canadian National Railway will appear again before the committee on this bill. If they do, they will hear from me.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Denis, bill referred to the Standing Committee on Transport and Communications.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, November 21, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Report of the Department of Agriculture for the fiscal year ended March 31, 1968, pursuant to section 6 of the Department of Agriculture Act, chapter 66, R.S.C., 1952. (English and French texts).

Copy of a list of recommendations of the Royal Commission on Government Organization approved by the Government on March 25, 1968. (English and French texts).

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday next, November 26, 1968, at 3 o'clock in the afternoon.

BUSINESS OF THE SENATE

Honourable senators, I would propose that we sit on Tuesday afternoon and evening, and that we reserve Wednesday for the committees to enable them to carry on with their work. I would hope that the Finance Committee will be able to meet on Wednesday. The Special Committee on Science Policy will meet all day Wednesday. I am advised by the committee chairmen that on Wednesday the Standing Committee on Transport and Communications will deal with the Canadian National Railways Financing and Guarantee Act, which was introduced yesterday, and that the Standing Committee on Banking and Commerce will have before it three bills.

We shall continue the debate on second reading of Bill S-17, an act respecting Investment Companies and, if not completed today, the debate on Senator Croll's motion for the appointment of a special committee of the Senate on all aspects of poverty in Canada.

I hope we will have the anti-dumping bill and the Customs Tariff bill. Bill S-3, an act to amend the Canada Evidence Act, and one private bill have now been referred to the Standing Committee on Banking and Commerce. The Special Committee on the Rules of the Senate may, I am advised, present their report containing the recommendations on the rules. In any event, they will be meeting next Wednesday. Senator Hayden has given notice that he will call the attention of the Senate to certain sections of the British North America Act and their effect on the initiation of legislation in the Senate. Senator Macnaughton, it is expected, will proceed under his notice, to call the attention of the Senate to the Canada-United States Interparliamentary Group annual meeting last March in Washington and New Orleans.

Hon. Mr. Flynn: May I ask the Leader if any committee is scheduled to sit on Tuesday.

Hon. Mr. Martin: I will inquire.

Hon. Mr. Flynn: Under those circumstances—

Hon. Mr. Martin: Excuse me, the Science Committee with Senator Lamontagne will meet Tuesday morning.

Hon. Mr. Flynn: Is the Rules Committee sitting on Tuesday?

Hon. Mr. Molson: Yes, at 4.30 in the afternoon.

Hon. Mr. Flynn: I would suggest that it appears there is no reason for the Senate to sit on Tuesday afternoon under those circumstances. If the leader thinks it is necessary for the Senate to sit both in the afternoon and in the evening, it is all right with me, but I am not convinced.

Hon. Mr. Martin: I hope that next weeks' program will be such that the honourable senator will be convinced. I reviewed the work of the ensuing week with the officials, and Senators McDonald and Langlois, and this is the prognostication that we make.

Hon. Mr. Flynn: I know that we have enough work with the committees sitting, but I am speaking of the work for Tuesday in the chamber.

Hon. Mr. Martin: I appreciate that.

Motion agreed to.

POVERTY

MOTION FOR APPOINTMENT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of the honour-

able Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. Jacques Flynn: Honourable senators, the fight against poverty is practically the history of man. It has been more or less the main responsibility and preoccupation of governments of all types over the centuries. This fight in fact covers the whole of the social, economic, financial and monetary fields. Consequently, it is not surprising that the debate on the motion by Senator Croll to appoint a special committee to investigate and report upon all aspects of poverty in Canada has covered practically as much ground as did the debate on the Address in Reply to the Speech from the Throne.

Very little can be irrelevant. For this reason I express some concern as to the generalities of the terms of reference of the committee suggested by Senator Croll. He himself in his speech has narrowed to some extent the task which he had in mind for the committee. The Leader of the Government in his speech yesterday also suggested very specific questions upon which the committee should concentrate its attention. However, those speeches, if they provide some guidelines, have only a moral authority over the committee, and if it should decide to be guided only by the terms of reference, as defined in the motion, its activities could cover such a wide area that it would not be able to report for several years.

In his speech of yesterday, the Leader of the Government expressed practically the same fear. He went even so far as to suggest that the committee might be to a large extent trying to accomplish a useless job. In this, of course, he would be right, if we were to believe the Prime Minister when he speaks of his "just society". A just society is certainly one in which one would not be able to find any poverty and, therefore, if the present Government knows how to achieve this just society, of what use can this committee be?

Furthermore, the Leader of the Government yesterday indicated very clearly that the committee should not start from the premise that our present system of social security and assistance is inadequate. He took the care to put on record facts and figures to indicate that our present legislation is still very sound and need not seriously be questioned. He even added—and this is another indication that he does not believe in the usefulness of the committee—that all this legislation is constantly under review. I agree with him that it would be foolish to ignore what has been achieved by this legislation, and I also concur in his views that our record in Canada compares favourably with that of almost any other country.

On the other hand, I suggest that the committee's main preoccupation, if not the only one, should be to consider the efficacy or inefficacy of our social and welfare legislation. Is it not superfluous or redundant in many instances and, if so, could we not, by trimming and saving in many areas, fill some of the gaps which certainly exist? I say "some of the gaps," because I do not think we can ever hope to fill all the gaps. In other words, should not the committee restrict itself to a comprehensive review of the social and welfare legislation? Again I suggest that to try to deal with the problem of poverty generally would be an impossible objective for the committee because this is the general objective of all our social, economic, financial and monetary policies.

Let me remind you of what the Speech from the Throne said in connection with this problem. I read from page 35 of *Hansard*:

> A great deal has been accomplished in recent years to make the Canadian society more just in terms of income distribution and security against the vicissitudes of life. Pensions for the aged, provision for the sick and for the needy have been made more effective by legislation passed in recent Parliaments and by action of the provinces. Notwithstanding such measures, poverty continues to exist in Canada. My Government recognizes that, but it also believes that it would be deluding and cruel to pretend that there is a simple, all-encompassing or instantaneously effective remedy. Poverty can be dealt with successfully and permanently only by continued and determined action in a variety of ways by all governments.

I am convinced that the Senate does not wish this committee to cover the whole front of an effective fight against poverty, which includes the examination of all means to attain a prosperous economy as well as a fair distribution of its proceeds. We certainly do not want this committee to tell us, for instance, if we should move towards more state control or less in the exploitation of our resources, the supply of services and the production and distribution of goods.

Therefore, while I praise Senator Croll for bringing in this motion, I would like to ask him if he would not agree to amend it so that the first paragraph would read as follows:

> That a special committee of the Senate be appointed to investigate and report on the efficacy or inefficacy of our system of social and welfare legislation in dealing with all aspects of poverty in Canada, whether urban, rural, regional or otherwise, and to recommend appropriate action to insure the establishment of a more effective structure of remedial measures.

I do not propose this as an amendment, but merely as a suggestion. I would feel more secure if this suggestion were accepted. If it is not, I would hope that it would at least serve as a guideline to the committee or as a warning that if it tries to do too much, it will accomplish very little.

On motion of Hon. Mr. Croll, debate adjourned.

WORLD WAR I

COMMEMORATION CEREMONIES IN FRANCE AND BELGIUM OF FIFTIETH ANNIVERSARY OF ARMISTICE

The Senate resumed from yesterday the debate on the inquiry of the honourable Senator Leonard, calling the attention of the Senate to the Commemoration in France and Belgium of the Fiftieth Anniversary of the World War I Armistice and of the participation therein of Canadian veterans of the said War.

Hon. George S. White: Honourable senators, I would like to thank my colleague, Senator Leonard, for the very generous reference he made to me yesterday. In return, I cannot think of any finer and more genial person with whom to travel than Senator Leonard. In addition, he is still a real old soldier and has not forgotten the soldier's vocabulary.

Yesterday the senator gave this chamber a detailed and very colourful description of this pilgrimage to France and Belgium by the veterans of World War I. In my very brief remarks I will attempt to fill in here and there, and to give some of my impressions of a return visit to the battlefields, some of the old memories and some of the things that the old soldiers on the trip talked about.

It was a very colourful group. Everyone wore their berets, or "berries", as the soldiers called them. These were in four main colours: red, blue, grey and green—then there were some tartans. Medals were worn, and many of the soldiers had blazers on which they had their regimental crests done in gold. These soldiers came from every unit that served in the First War; they were of every rank and every occupation; and while this trip to Europe has cost the taxpayers of Canada a certain amount of money, I do not think that Canada has ever sent finer ambassadors to Belgium and France than this group of old veterans.

Hon. Senators: Hear, hear.

Hon. Mr. White: Senator Leonard told you something yesterday of the great affection shown by the Belgians towards the Canadians. This same welcome was extended to Canadians everywhere we went in France. At Vimy Ridge—and, unfortunately, the day we visited it turned out to be very foggy—there was a very large number of French civilians and children. After the ceremonies everyone went to visit the trenches, and there is a large crater separating the German and Allied trenches. Coming back from this inspection, the children were all lined up, marching with their teachers, and somehow or other our old friend Brigadier Jimmy Melville became the leader of the children. He led them back to the monument, and they all sang that good old French song *Alouette*.

On Armistice night the mayor of Paris gave a reception, to which all the Canadians were invited, and there were many French veterans from the First War in attendance too. While, to some degree, there was difficulty with the language, there was no difficulty in communicating. We soon realized and felt that we all belonged to this fraternity of old soldiers, and there was more than the greatest goodwill on both sides. In honour of the Canadians, the French veterans sang *Tipperary* in English; and, in response, we sang *Alouette* in French.

A very interesting incident occurred at the memorial at Bourlon Wood. The battle of Bourlon Wood took place towards the closing months of the war. This monument stands on ground that was owned by the Count de Frangueville. The Canadians captured the farm, and after the war the Count gave this hill and the large wood to the Canadian Government, on which it erected a fine monument. It is most impressive. One ascends the monument by stone steps which are lined on either side by large lime trees which, as was

specially pointed out to us, were almost destroyed by gun fire but, after being given very fine care, were revived and now enhance the approach to this memorial.

In the Second World War the Count was in the underground. He was captured, and sent to a German concentration camp where he died. On the day of the ceremony, the Countess, her son and his wife and the two children, were present, and the Deputy Minister of Veterans Affairs, Mr. Côté, spoke in French to a large gathering, explaining the history of Bourlon Wood and the gift of the Hill to the Canadian Government. The Countess replied, and asked all the veterans to call on her at the chateau just down the road where she wanted to give to every one a glass of champagne. All of the veterans went down, and once again were met by large numbers of the French population. There may have been some language difficulties encountered, but no one had any difficulty in communicating or of feeling the warmth of heart that these French citizens had for the Canadians.

As we left it was very touching to see tears running down this most gracious lady's face as she attempted to say goodbye and thank the Canadians for what they had done for her country 50 years ago.

When we arrived at the monument at Courcelette, which is on the Somme where the Canadians had a tough time, we found waiting for us—and this was quite unexpected—the Mayor of Courcelette and other officials, a large number of children and French citizens from the community. The mayor made a speech explaining what had happened 50 years ago in the Battle of the Somme, and laid a wreath on behalf of the citizens of Courcelette. After our own ceremony was over the school children lined up, and each laid a bouquet of chrysanthemums of various colours at the foot of the monument.

When the ceremonies were over we always mingled with the French citizens, shaking hands and saying whatever few words we could to them. Here again we were all impressed by the warmth of feeling and appreciation of these citizens.

At Quesnel, which is on the Amiens front where the battle of August 8, 1918 took place, there were a large number of French veterans of the First War who had their regimental colours with them. The mayor was present, as were other officials and many children. There was also a French bugler who, when it came time, blew the *Last Post* with our own bugler. After *Reveille* a French soldier played *O Canada* on a cornet. It was an extremely moving ceremony at Quesnel.

On Armistice afternoon, as Senator Leonard told us yesterday in some detail, the army paraded before General de Gaulle. Along both sides of this long avenue there were French troops, each one holding a regimental banner of some kind, bearing their colours and their crests. There were also soldiers from the allied countries with their own colours. You will be interested to know that directly in front of the stand where General de Gaulle took the salute was the flag of Canada.

After this ceremony was over there was some delay in getting away in the bus and for some time we mingled with and talked to the French people. When we got into the bus it was like an old homecoming, we were waving to them, and all was smiles and friendly handshakes.

Senator Leonard referred to the evening ceremony at Compiegne Wood, where the Armistice was signed. Leading up to this place there was a long avenue lined with French soldiers, each one holding a torch. When the ceremony was over the Canadians marched back between these two rows of torches and as soon as the civilians discovered we were Canadians they all wanted to shake hands, and the applause all along that avenue was most heartrending and very touching.

Senator Leonard also made reference yesterday to the memorials erected by Newfoundland, and paid a well-deserved tribute to the bravery and record of the soldiers from that province. On looking over the ground and reading something of the battles in which they were engaged one learns that the troops from Newfoundland, like those from the rest of Canada, were always given the toughest assignments.

I want to refer briefly to the Newfoundland monument at Beaumont Hamel, which was on the Somme front. Old soldiers will remember the Battle of the Somme started on July 1, 1916. On the first day of the battle there were over 60,000 casualties and we gained merely a few yards of trenches. This monument is most impressive. It has a large bronze caribou with its head held high in a most defiant manner, standing on a flower-covered base of rock from Newfoundland, rising to a height of some 50 feet. The approach to this monument

is most effective. The landscaping is very effective and sets off the monument in a fine manner.

Around Beaumont Hamel the trenches and shell holes have been left exactly as they were in 1916. The only difference is that they are now covered with grass. The same ugly barbed wire is still in place, and on looking at those trenches one could not help but wonder how we ever lived and survived in them for months and months.

My colleague described to you in detail yesterday the ceremony held at each memorial. It certainly was most impressive. No matter how many times you attend a ceremony of this nature, when you hear the *Last Post* and *Reveille* and the piper playing *Flowers of the Forest,* as you stand there in silence, it is amazing how the memories flash through your mind. You remember the faces of old friends and comrades, old associations, you think of the good times and the bad times. It was amazing what memories came back in those few brief moments of silence.

I want to join with Senator Leonard in the well-deserved tribute he paid to Colonel Milton Gregg, V.C., Brigadier Jimmie Melville, the officers of the R.C.M.P., Mr. Côté from D.V.A. and all the other officials from D.V.A. who did such a marvellous job in arranging and planning this pilgrimage. The manner in which it was carried out indicates the most careful planning of every detail.

Naturally every one of us had some special spot that he wanted to revisit or something he wanted to see. At Vimy we were all disappointed because of the fog. In this chamber, immediately above my head, there is a wonderful picture showing the return of civilians to a small village called Albion St. Nazaire. On looking closely at the picture you can see a sign which says that this is Albion St. Nazaire, which may strike you as strange. However, that was quite common because all that was left of the village was rubble and there is the sign there to tell you what it is. This little village is behind Vimy and is very close to the Village of Souchez. Anyone who was on the Somme would want to go to the Village of Albert, because at the village church there was a very large statue of the Virgin Mary which hung for many months at right angles over the street. On our visit we were there for lunch, after which we went to the church, which has been completely restored, and there is now a new statue in gold on top of the church.

When I was on the Somme I was most anxious to find some landmarks. There used to be an old sugar factory there. Everything seemed to stem from that sugar factory because we all knew it and used to get our directions from it. However, it was impossible to find.

The greatest recollection of all the veterans I know who were on the Somme is the terrible mud. Those who are old enough will remember that after the First World War there was a great deal of criticism of certain service clubs operating during the war, especially the Y.M.C.A. Anyone who was on the Somme will still remember the road leading from Albert to Bapaume. After a spell in the trenches soldiers came down that road in groups of four because it was under heavy shellfire. On coming out of the line one's ambition was to reach a certain shellhole, because there under continuous shellfire the Y.M.C.A. had a hut in which they served hot coffee. I never tasted such good coffee in my life. It was made out of water from the shellhole; it had neither cream nor sugar and was served in a baking powder tin. Soldiers coming from the battle on the Somme never tasted a finer drink!

I would like to say a word and pay a tribute to the officers and the men who make up and carry out the duties of the Commonwealth War Graves Commission. It is a great credit to these men for the very, very fine way in which all these cemeteries are kept. Each grave has a shrub or a flower of some kind, usually a rose bush. I am sure it must be a great source of satisfaction to parents from Canada going to visit the grave of a son to find that he is buried in a cemetery which is so beautifully kept.

As we travelled through Belgium and northern France one was impressed with the very, very large number of Canadian cemeteries. These cemeteries from World War I indicate the price that Canada paid in a tragedy that defies the imagination of today. It was the price Canada paid in a war to end wars; it was the price Canada paid in a war to make the world safe for democracy, and yet the war proved or gained nothing. The peace treaty only laid a powder trail to World War II. How true were the words of Marshal Foch who, after the peace treaty was signed, said, "This is not peace; it is an armistice for 20 years."

As you wander through these Canadian cemeteries you fully appreciate the folly and

the tragedy of war when you realize that over 60,000 young Canadians did not return. I thought in looking at these hundreds and hundreds of graves that in each one was buried the hopes, dreams and the ambitions of a young Canadian. What a waste of brains, ability and talent. Who among us can tell or say that perhaps one of those 60,000 young Canadians who did not come home might have turned out to be the famous research scientist whose brain discovered the golden key to unlock the secret cure for cancer.

This Canadian group, like all the units in the First World War, came from every part of this great nation, from every class, creed, colour and ethnic group, but in this pilgrimage, as in the war, we were all just Canadians. We represented Canada, not as a Dutch Canadian, an Irish Canadian or any other kind of Canadian, for such distinctions did not exist in the First War. In that war we Canadians were united in a comradeship which cannot be described in words. We were held together by some invisible bond that is stronger than steel. We all belonged to a fraternity that will last for each individual's lifetime. Today, as you look over the Canadian scene with all our so-called petty divisions, we old soldiers wonder why we do not have in Canada now just a little of that invisible bond of steel, that fraternal feeling that held both young and old soldiers together. If we could only have a bit of that in Canada we could all be just plain Canadians and determined to make our Canada united, the best and the finest country in the world.

Hon. Paul Martin: Honourable senators, no words of mine could enrich the discussion initiated by Senator Leonard and Senator White on the commemoration ceremonies in France and Belgium on the occasion of the fiftieth Anniversary of the Armistice of World War I. This event is one of such great significance in the history of our world and in the history of our country that, as Leader of the Government in the Senate, I should like to say to Senator Leonard and to Senator White, two honourable and gallant senators, how proud we were that it was possible for them to represent us at this historic ceremony in France and Belgium.

There are not many senators—and this is because of the march of time—who could take part, as former soldiers, in World War I, in this commemorative event. I am sure that those few senators left who did take part in World War I followed with deep and understanding interest the words of Senator Leonard and of Senator White.

For the rest of us, whether it be those who participated in the Second World War, or those who participated in no war, there can be no doubt how we all have been moved by the portrayal of the pilgrimage in which two of our colleagues participated.

We are reminded every day in this chamber of the First World War by the eight paintings which hang on our walls. Fifty years is a long time in the lives of human beings and in the life of a nation. There are so many millions of our fellow citizens of whom World War I is but an incident of history. It is an incident of the greatest importance; and it is well for us to remind ourselves of our debt, as Senator White has just recalled, to those 60,000 brave Canadian lads who joined in defending what they believed to be a war which might end in a permanent peace, which might end in a preservation of the democratic way of life.

I could not but note that Senator White himself, a gallant participant in that war, spoke somewhat bitterly about the failure of its consequences. It has not brought permanent peace. It has not guaranteed the democratic way of life but, as he himself observed today and as did Senator Leonard yesterday, it has brought home to us how important is the effort to eliminate war as an instrument of national policy, how important it is, in face of the sacrifice of those men, for the rest of us—for Government, for organizations, for the churches, for all citizens, for peoples throughout the world—to recognize the debt we owe to those who died in the First World War, to do everything we can to make their efforts not in vain. Of course, our debt to men and women in World War II is equally great.

Honourable senators, I wish to say to Senator Leonard and to Senator White: Both of you have spoken eloquently of this significant and historic event. Both of you were moved in your own presentations. You may be sure that you have moved us to a recognition of what we owe to those of your colleagues who gave their lives in defence of freedom; you have brought home to us very graphically today what your example means to us in the common effort to do what we can to maintain the unity of our Canada and contribute to the peace of the world.

INVESTMENT COMPANIES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Paul Desruisseaux moved the second reading of Bill S-17, respecting Investment Companies.

He said: Honourable senators, Bill S-17, intituled "An Act respecting Investment Companies" is a major and most important bill of this Parliament. A large number of federally incorporated companies act in the capacity of financial intermediaries. Many of these, such as banks, insurance, trust and mortgage loan companies, are presently supervised and regulated in the interests of their creditors under existing legislation. However, there are many of diversified types, but including primarily finance and acceptance-type companies, for which there is no comparable supervision or regulation. Recent collapses of several of this type, although essentially involving companies under provincial jurisdiction, have pointed out the danger of such a vacuum. Many investors have suffered losses and, on occasion, confidence in the stability of our financial institutions has been shaken.

This bill is intended to establish a system of supervision, registration and regulation for most such companies incorporated under federal law, in an effort to protect their creditors from similar catastrophes. The act will be administered by the Department of Insurance and will thus come under the direction of the Minister of Finance.

The bill applies to "investment companies" as defined in section 2. Investment company means, in effect, a company that raises money by issuance of debt instruments and uses a significant proportion of its funds for loans or investment in bonds, other evidences of indebtedness, instalment sales contracts, stocks or real estate.

Mutual funds are not included within this definition, since they do not raise money by borrowing, and various other types of financial institutions, adequately supervised under other legislation, are specifically excluded.

The act is divided into three parts.

Considering Part I first, section 3 provides that the minister may exempt any investment company from the application of the act if he is satisfied of certain conditions. Exemptions may be granted where a company is only incidentally engaged in borrowing and investing, where it borrows only from major shareholders or banks or where it is a non-profit company without share capital, incorporated under Part II of the Canada Corporations Act.

Section 5 provides that every investment company is required to file annually a statement of its condition and affairs at the end of its fiscal year, in such form and containing such information as is prescribed by the Superintendent of Insurance. A system of inspection of the books, records and documents of investment companies by inspectors appointed by the superintendent is provided for under section 6.

Investment companies are prohibited under section 8 from making certain types of investments where there may be a conflict of interests. This is an important provision since experience has shown that financial troubles are very frequently the result of investments and loans made where there is less than an arm's length relationship.

The prohibition is based on the principles of defining certain persons who are likely to have a significant influence on the company and its investment policy. Loans to or investments in the securities of such persons are prohibited. Also, where any such persons have a significant interest, more than 10 per cent of the equity shares, in another corporation, loans to or investments in the securities of that corporation are prohibited.

Persons in the class just described are specified in the bill as the following: (1), a director or an officer of the company, or a spouse or child of such a director or officer; (2), an individual, his spouse or any of his children under the age of 21 years if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the company; (3) a corporation that is a substantial shareholder of the company. A "substantial shareholder" is a shareholder that holds more than 10 per cent of the voting shares.

In addition, loans to or investment in the securities of another corporation would be barred if the directors, officers, their spouses and children as a group owned more than 50 per cent of the stock of such corporation, even though no one such person owns more than 10 per cent.

The prohibition would apply only against any such loan or investment being made "knowingly", but, if made in ignorance of the facts bringing it within the prohibition, the company would be required to dispose of the investment on learning of those facts.

Provision is made for exemption of specific investments on application where the investment was made while the company was not subject to the act or where it is shown that the investment is in a corporation in which a major shareholder, not a director or officer, has an important interest but the shareholder does not take any part in or exercises any influence on the company.

Honourable senators, it would be intended to proclaim Part I, "Supervision of Investment Companies", in force as soon as the department has organized the necessary staff to administer it. Part II, which is concerned primarily with the setting up of a system of registration, and with the granting to the minister of the power to impose limitations on the operations of investment companies and the power to wind up those in unsatisfactory financial condition, will not come into force for at least two years after Part I comes into force. Part I deals with the supervision of investment companies. The reason for the delay is that it is unlikely that the minister could effectively use his powers to regulate a company's operations until the supervisory authorities have gained considerable experience with the type of company concerned through their inspection and examination of their financial statements. Until this situation is reached, it would not be wise to assume the responsibility of issuing, refusing or withdrawing certificates of registry with all that such actions imply.

Examining Part II in greater detail, section 10 permits the minister to issue a certificate of registry to an investment company upon application, and to renew such a certificate. He may also impose and vary conditions and limitations relating to the carrying on of the business of investment in a certificate of registry, and may in effect terminate the certificate of registry at any time, subject to the right of the investment company to make representations before any such decision is taken. He is also authorized to issue a certificate of registry to a company that does not technically qualify as an investment company if the company carries on the business of investment and applies for such a certificate. It is further provided that any registered company shall be deemed to be an investment company as long as it continues to be registered.

Sections 11 to 18 are closely inter-related and must be considered as a whole. These sections require investment companies to apply for certificates of registry, prohibit the borrowing of money in certain instances, provide for especially close supervision of investment companies in financial difficulties, and permit the minister as a last resort to dissolve an investment company or to apply for a winding-up order if it is felt that such action is necessary to protect the investing public. The sections also provide for a resolution of any conflict that may arise between terms of the Winding-up Act and the Bankruptcy Act.

Specifically, section 11 (1) and (2) requires companies subject to the act to apply for certificates of registry within the time periods stated. A distinction, important for the succeeding sections, is drawn between two types of investment companies which may be referred to as Type A and Type B. Type A companies are those to which section 11 (1) applies, mainly companies incorporated after the coming into force of Part II (certificates of registry), and primarily for the purpose of carrying on the business of investment. Other investment companies, which will include mainly all existing investment companies as well as all those which become investment companies in the future by reason of the nature of their business and not by reason of their incorporation, are referred to as Type B companies.

Section 11 provides that a Type A company must apply for a certificate of registry within two years of its incorporation. Section 13 prohibits it from borrowing until it has been issued a certificate of registry. A Type A company which fails to apply for a certificate within two years of its incorporation, or which borrows money before it has been issued a certificate of registry, may be dissolved by ministerial order under section 12.

Type B companies are required by section 11 to apply for a certificate of registry within two months of the coming into force of Part II or within three months of the close of their fiscal years during which they became investment companies. If they fail to do so, they are prohibited by section 13 from increasing their outstanding indebtedness, and they are subject to being wound up under section 17 (1) (a).

When an investment company applies for registration, section 14 requires that the superintendent make a special report to the minister recommending against the issuing of a certificate of registry if he believes that the company's ability to meet its outstanding obligations is inadequately secured. The company must be given a copy of the special

report and an opportunity to be heard by the minister in connection therewith, but if the minister nevertheless agrees with the opinion of the superintendent he shall refuse to issue a certificate of registry. He may or may not allow the company a period of time within which to improve its financial condition and affairs, but until he issues a certificate of registry he has the power to apply to a court of competent jurisdiction for a winding-up order under section 17 (1) (b) or (c). Meanwhile, from the time it has received notice of a special report under section 14 until it has been issued a certificate of registry, an investment company is forbidden by section 13 to increase its indebtedness.

When the superintendent believes that the ability of a registered company to meet its outstanding obligations is inadequately secured, he is required by section 15 to make a special report to the minister with regard to its financial condition and affairs. The company must be given a copy of the special report and an opportunity to be heard in connection therewith by the minister. If the minister nevertheless agrees with the superintendent, he has three courses of action open:

(a) to allow the company a period of time, during which the certificate of registry remains in force, to improve its financial condition and affairs;

(b) to withdraw the certificate of registry and replace it by a conditional certificate; or

(c) to withdraw the certificate of registry without replacing it by a conditional certificate.

Until he is satisfied that the financial condition of a company has been fully rehabilitated, the minister may change from (a) to (b) or (c), or from (b) to (c), but, while either (b) or (c) is in force, the company is prohibited by section 13 from increasing its indebtedness. If a certificate of registry has been withdrawn without being replaced by a conditional certificate, the minister may apply for an order to wind up the company under section 17 (1) (d) or (e).

After a special report has been made under section 14 or 15, a company will be supervised particularly closely until it has significantly improved its financial condition and affairs. If it seems advisable, the minister may apply under section 16 to a superior court for the appointment of an interim receiver to conserve the assets of the company after the making of such a report.

A number of instances have just been specified where a company is prohibited from borrowing by section 13. In all such instances, the directors are made individually liable as guarantors of the amounts borrowed in violation of the section.

Section 18 provides that when proceedings are taken under the Bankruptcy Act they shall have precedence over proceedings under the Winding-up Act. Section 17(2) authorizes the minister to become a party to any such proceedings.

Section 19 provides for the annual publication in the Canada *Gazette* of a list of registered companies.

The superintendent is required by section 20 to submit annually to the minister a report setting out particulars of the financial condition and affairs of each registered company at the end of its fiscal year ending in the last completed calendar year.

Part III of the act, which will come into force at the same time as Part I, sets forth various administrative provisions. The most important sections are: section 21, which provides that expenses incurred in the administration of the act will be assessed against investment companies in proportion of their incomes; section 22, which authorizes the Governor in Council to make regulations to secure the establishment and maintenance of a sound financial structure for investment companies; section 23, which authorizes the superintendent to prescribe necessary forms and the information to be contained in the annual statement, and to appoint inspectors; and sections 27 to 29, which are concerned with offences and penalties.

Honourable senators, it is not known at this time how many companies would be subject to the act. Some companies have been positively identified and a preliminary list has been drawn. However, there are a large number of companies incorporated federally, apparently for investment purposes, and a considerable amount of work will be involved before they are all identified and it is determined whether they would be subject to the act or not. If they do not borrow, they will not be subject to the act, even though they are primarily incorporated as investment intermediaries. Companies that raise their money only through the issuance of capital stock will not be subject to the act. A distinction is drawn between that type of company and a company that borrows money, in that the former has no fixed dollar obligations to

the public; the shareholders become participants in the enterprise and must expect to share its fortunes, good or bad.

Mutual funds will not be covered by the act, since they raise their money by the issuance of equity instruments and do not incur fixed dollar liabilities to the public. The superintendent states that it is also important in this connection to note that there is a committee studying mutual funds and investment contract companies under joint federal and provincial auspices. This committee is expected to report early in the next few months. Legislation relating to mutual funds would no doubt be based upon its recommendations.

Investment contract companies are companies that sell contracts to the public requiring the payment to the company of annual or periodic payments and providing for the payment by the company of a fixed sum at maturity of the contract. There are no federally incorporated companies active in this type of business. Most of the provinces have special legislation governing such companies.

The superintendent expects, honourable senators, that there will be great variety and complexity encountered among the companies subject to the proposed act. It will, therefore, take some time for the department to become thoroughly acquainted with all the various types of companies concerned and their financial condition and affairs. For this reason it is proposed to delay the coming into force of the registration procedure. It may well be that some of the companies subject to the act are not in a financial condition that would justify the issuance of a certificate of registry. Thus, some time may be needed in order to enable such companies to be placed in a satisfactory financial condition. The issuance of a certificate of registry under the legislation implies that the company is in satisfactory condition, and before this procedure is started it is desired to have a thorough knowledge of the companies concerned and an opportunity of discussing any of the financial implications with the companies affected.

The system of supervision contemplated in the act, namely, the filing of financial statements, inspection by the staff of the department, and control through the issuance of certificates of registry, is essentially the same system that is now used for insurance, trust, and loan companies.

Except for clause 8 of the bill prohibiting investments and loans that are not at arm's length, there are no provisions establishing financial standards or restricting investments. It is thought that, initially at least, time should be available to identify the companies concerned and to learn the details of their activities. Only after a thorough knowledge is gained of the variety of companies that will be subject to the act, can proposals be made as respects the establishment of financial standards. For this reason, the bill seeks power to adopt the necessary regulations. It is not expected that regulations can be proposed for some time.

Honourable senators, Ontario has recently passed special regulations under the Securities Act, effective July 1, 1968, requiring special reporting by finance companies. This procedure will be used to regulate companies that seek to borrow money by the issuance of securities in Ontario. For the most part, the regulations under the Securities Act require the disclosure of full financial information, but no system of licensing or regulation is contemplated. Even though the Ontario regulations might represent a satisfactory move, it is to be noted that federally incorporated companies are subject to the Ontario regulations only if they attempt to issue securities in Ontario or if residents of Ontario hold any securities issued by them. Such supervision does not cover all that is required with respect to federally incorporated companies since some may be active in other provinces and, further, the Ontario regulations would only work to prohibit borrowing operations in Ontario or the issuance of other types of securities.

The prohibition against investments and loans that are not at arm's length does not apply to prevent a company making loans to, or investments in, a subsidiary. It is thought that this type of transaction does not involve a conflict of interests since the parent company has a direct interest in the success of the subsidiary. Thus, the prohibition would not bar the use of holding companies for raising money and providing funds to subsidiaries. The prohibition would, however, prevent a company from investing in the securities of, or lending to, a sister company, that is, one under common ownership or control.

Companies of the type contemplated as being subject to this legislation are now incorporated by letters patent under the Corporations Act. It is not proposed to change this procedure, but the concurrence of the minister responsible for this act would be required before letters patent are granted to

companies in the future where such companies are incorporated for the purpose of carrying on the business of investment.

This bill, honourable senators, is of some urgency. It had been intended to present it at the last session. It is a protective bill for the investing public. It is a bill providing reasonable control and supervision in the public interest.

The legislation would become effective on a day to be fixed by proclamation, and Part II would come into force on a day not sooner than two years after the coming into force of Parts I and III, to be fixed by proclamation.

With the concurrence of honourable senators, I intend to move that this bill be referred to the Standing Committee on Banking and Commerce for further study, and for its report to the Senate.

On motion of Hon. Mr. Phillips (Rigaud), debate adjourned.

THE SENATE

CTV DOCUMENTARY FILM

Hon. A. Hamilton McDonald: Honourable senators, before I move the adjournment of the Senate I should like to remind you that the CTV program, of which we were advised by Senator Davey, will be broadcast this evening at 10.30.

Hon. Mr. Aseltine: From what station will it be broadcast?

Hon. Mr. McDonald: I presume it will be on Channel 13.

Hon. Mr. Thorvaldson: Is it being shown only locally or will it be on the CTV network across Canada?

Hon. Mr. McDonald: I understand it is a nation-wide program this evening.

Hon. Mr. Roebuck: I understand it is in colour, and I am wondering where honourable senators can see it in colour. The television set in the smoking room does not show colour.

Hon. Mr. Choquette: It will be colourful enough!

Hon. Mr. McDonald: If I had a colour television I would invite the honourable senator to my home but I do not have one.

Hon. Mr. Roebuck: I was "fishing" for an invitation!

Hon. Mr. Thorvaldson: Is it in colour?

Hon. Mr. McDonald: I understand it is in colour.

The Senate adjourned until Tuesday, November 26, 1968 at 3 p.m.

THE SENATE

Tuesday, November 26, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to present a report from the Joint Committee on the Library of Parliament concerning a salary revision for all classes of Library of Parliament positions in accordance with a general revision approved for other employees in the Public Service.

The Clerk Assistant (*Reading*): The Joint Committee on the Library of Parliament—

Some Hon. Senators: Dispense.

The Hon. the Speaker: When shall this report be taken into consideration?

Hon. Paul Martin moved that the report be taken into consideration at the next sitting.

Motion agreed to.

PRIVATE BILL

ATLANTIC PEAT MOSS CO. LTD.—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-103, respecting Atlantic Peat Moss Co. Ltd.

Bill read first time.

Hon. Hedard Robichaud moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

LEADER OF THE GOVERNMENT

APPOINTMENT OF ASSISTANTS

Hon. Paul Martin: Honourable senators, I wish to announce that I have asked Senator A. Hamilton McDonald and Senator Leopold Langlois to act as assistants to me as Government Leader in this House to direct the affairs that come under my responsibility. I am sure I speak for all senators when I say that I am certain both these gentlemen will be of great assistance to me.

Hon. Senators: Hear, hear.

DOCUMENT TABLED

Hon. Paul Martin tabled:

Copies of a letter, dated November 18, 1968, addressed by the Ambassador of Japan at Ottawa to the Minister of Finance, together with an Annex, concerning voluntary controls on certain Japanese exports to Canada for the year 1968. (English and French texts).

NAVIGABLE WATERS PROTECTION ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin moved first reading of Bill S-19, to amend the Navigable Waters Protection Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

[*Later:*]

Hon. A. Hamilton McDonald: Honourable senators, may I ask that Bill S-19 be placed first on the Order Paper for Thursday next.

Hon. Senators: Agreed.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 426 to 486, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

EMERGENCY SITTINGS

AUTHORITY TO CONVENE SENATE DURING ADJOURNMENT

Hon. Paul Martin, with leave of the Senate, moved:

That, for the duration of the present session of Parliament, should an emergency arise during any adjournment of the Senate, which would in the opinion of the Honourable the Speaker warrant that the Senate meet prior to the time set

forth in the motion for such adjournment, the Honourable the Speaker be authorized to notify honourable senators at their addresses registered with the Clerk of the Senate, to meet at a time earlier than that set out for such adjournment, and non-receipt by any one or more honourable senators of such call shall not have any effect upon the sufficiency and validity thereof.

Motion agreed to.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Thursday next, November 28, 1968, at 3 o'clock in the afternoon.

Motion agreed to.

BRITISH NORTH AMERICA ACT

INITIATION OF LEGISLATION IN THE SENATE—DEBATE ADJOURNED

Hon. Salter A. Hayden rose pursuant to notice:

That he will call the attention of the Senate to section 53 and section 91 (as amended in 1949) of the British North Act, 1867, and the effect of such sections on the initiation of legislation in the Senate

He said: Honourable senators, I intend to discuss for a short time today the initiation of legislation in the Senate and, inferentially, in the other place. In my view there have been constitutional changes as the result of which, as a matter of law, any legislation may be introduced in either house. I propose to deal with that shortly, and the reference to the several sections of the B.N.A. Act in my notice will form the basis for that discussion. But against that background and the purposes which would be served by a better recognition of this fact, I should like to refer for a moment to the position procedurally in Parliament today and the way in which these procedures inhibit and frustrate, particularly in the other place, the expeditious dispatch of business. I have some very strong witnesses that I can call on to support my statement as to the inhibiting and frustrating procedures or changes in which the Commons finds itself at the present time and has for some time.

In a recent public address in the City of Toronto the President of the Privy Council and House Leader in the House of Commons told the members of the association he was addressing, that one British parliamentary expert described Canadian M.P.'s as the curators of a valuable museum piece. He went on to say that the Government planned to streamline house business by establishing new committees to deal with detailed matters and to have cabinet ministers rostered for house duty on various days. Under this plan the house committees would examine spending estimates and most public bills, because the house as a whole is too large a body to do that job effectively.

Speaking in Montreal on November 9, the Prime Minister of Canada said that Canadians would no longer tolerate a parliament that moves at a snail's pace, and he promised that next month his Government would bring down proposals to speed the democratic process and reform of Parliament, especially the House of Commons. That was one of the Prime Minister's major campaign planks in the June election. He said that the plans and changes in Parliament represented the most urgent reforms the Government must tackle. He said recently that since September 12, when Parliament opened, his Government had succeeded in securing passage of about a half dozen major items of legislation—that is all we have added to the law—a slow rate even for a snail. He went on to develop further the procedures which he proposed to inaugurate.

This is the situation that exists by reason of the procedures which in another sense the President of the Privy Council described as being anachronistic, archaic practices which impede not only the expeditious discharge of public business in the Commons but slow down the work in this house when there is no work coming from the Commons for us to deal with. The concept of our duties in the Senate, as I see it, is, first, that we are a second chamber with equal authority to that possessed by the Commons, and with respect to legislation initiated in the Commons it is our duty to take a sober second look at it, and that means moving in from directions that are not necessarily those that the Commons took.

For instance, our concern is not primarily with the viewpoint of a particular member's constituency. Our viewpoint is to be concerned with the rights of minorities and the validity and the over-all public interest that is being served by the bills that come before us. In the procedures which we follow here, this is a chamber basically of committee work. On second reading the discussion is

confined to debate on the principle of a bill. The difficulties which have developed in the Commons and which have overwhelmed and slowed down their work, have been the multiplicity of stages and the repetitious nature of the debate. On all measures introduced by resolution, for instance, when that resolution is passed a bill is introduced and is discussed on second reading. The bill may then be referred to a committee, and when it comes back from the committee it is examined section by section. These are lengthy procedures.

I do not say that I possess a crystal ball, but I would venture a guess that part of the procedural reform in the Commons will involve doing away with the resolution process in the Commons as the preface to certain bills. After all, there is no constitutional basis for it: the resolution procedure is simply the product of a house rule, as I will develop later.

We have this situation, therefore, that we are concerned with the procedures which are followed in the Commons because, if they slow down the Commons in dealing with legislation, they provide us with less work or, it may be, work in bunches at a time when the opportunity to examine it may not be less than if it were sent to us at an earlier period.

Honourable senators, I have heard people talk about reform—reform of the Senate, reform of Parliament. Many words have come and gone which have acquired a peculiar connotation for a time. For a long time, nobody said "definite"; everyone said "definitive". For a long time, everyone used the word "escalation"; now the political emphasis seems to be on "reform". When they talk about reform of the Senate and reform of Parliament, in my view they are not talking about reform of the institutions of Parliament; they are talking mainly about reform in the procedures so that members can deal expeditiously with the business of Parliament.

It is open to the public to see that in every science, in every business, in industry, we have the latest ideas to expedite the process of manufacture; for the process of calculation, we have computers; for mass production, automation. I think it would be fair to suggest that we get a little bit of that into the procedures of Parliament and, particularly at the moment, into the procedures of the Commons.

That is why, on a previous occasion when I spoke in connection with the rules which were being considered, I approved of what was being done. However, I did say at that time, and I firmly hold this view, that the updating of our rules will not add to the debate in this house. Whether we need more in the way of debate in this house than we now have is, in my view, open to grave doubt.

Any member who wishes to speak to a bill may speak; but since our practice has been to confine ourselves to the principle of the bill, and to some public issues which may arise in connection with it, we seem to feel that debate for the sake of debate is not a good motto. Therefore, when we have exhausted the stage of intelligent debate, it is time to sit down and avoid the repetition which seems to go on in so many places in connection with discussions, as though by endless repetition one were making the subject clearer.

Having said that, I conclude that it would be a very anomalous situation if, in the New Year, the Commons were to reform their procedures and practices to the extent that they will have moved out estimates and major bills for consideration in committees, so that they will have left the principles of the bills for discussions—as it should be in the Commons—and if at the same time we adopt the lengthy debate procedures or other procedures abandoned by the Commons, and thereby extend the debates in this place. That would be an anomalous situation. But, if we emphasize and overemphasize the business of debate and more debate, then it is inevitable that this is exactly the situation that is going to occur. What will have happened then, really, is that we will have exchanged our procedures, which in my view have worked very well here, for the Commons procedures which they have abandoned on the basis that they are archaic and anachronistic. I would hate to see that situation develop here with us.

Hon. Senators: Hear, hear.

Hon. Mr. Hayden: For some years, certainly until 1949, at various times the thinking in the Government and on the Commons side has been that certain bills might be initiated in the Senate, In fact, some of them have been very large and important measures. For instance, I think of the National Defence Act which we considered in 1949. I happened to be the chairman of the Committee on Banking and Commerce at that time. In order that you may not think that I was the perpetual chairman of the Banking and Commerce Committee, I may say that I was only the chairman *pro tem* for the consideration of that bill. One of the major helpers in dealing

with the provisions of that bill at that time, and one who made a tremendous contribution was our Senator Arthur Roebuck.

I have gone back and read those proceedings. I may say that it was a bill having some elements in it that really amounted to the levying of taxation or the appropriation of moneys. Nevertheless, the bill was presented to us notwithstanding the prohibition in section 53 of the British North America Act.

We considered the bill and made about 73 amendments to it. In order to preserve the recognition of section 53 of the British North America Act, what we did in committee was to strike out the sections that dealt with any levying of taxes or any appropriation of funds. Then we added a closing paragraph to our report, when the bill was reported out of Committee to the Senate, saying that there were a number of sections in the bill dealing with the expenditure of money, which we ordinarily call money clauses and, as the Senate could not initiate bills dealing with money matters but since this bill originated in the Senate, the clauses set out in the last paragraph of the report were deleted from the bill. We said that these clauses would, of course, be restored when the bill was considered in the other place.

This practice was followed prior to 1949 on a number of occasions. Bills that obviously flew in the face of section 53 of the British North America Act nevertheless were introduced in the Senate, and, in committee, the Senate adopted the expedient of striking out such sections. Then the bill otherwise would be reported and sent to the Commons. The Commons would, as part of its consideration, restore these sections, whereupon the bill would come back to the Senate as amended and we would approve of those amendments made by the House of Commons.

It was a course of action invented to meet the demands and to satisfy the prohibition in section 53 of the British North America Act. But it was somewhat like the route little Benny takes to go to the corner grocery store. We really wandered around the territory before accomplishing what we wanted. As I say, that was done on a number of occasions.

Then there was another type of expedient that we followed. For example, it was decided that the bill was not a money bill. There were various reasons. One was that the money was only incidental to the main purpose of the bill. In another case, while the bill provided for the spending of money, it was to be out of moneys to be appropriated by Parliament. In still another case, while it was to pay for services rendered, there was a statutory provision in the Financial Administration Act which permitted the payment of these services, and they were not thereby classified as money bills. There were numbers of those situations. In fact, for those senators interested in turning it up, I believe we had such a situation in the last couple of years, dealing with the Canada Lands Surveys Act.

Hon. Mr. Connolly (Ottawa West): That was last year.

Hon. Mr. Hayden: It was during the last session. At that time Senator Connolly (Ottawa West) gave quite a dissertation on all the phases of this question, and then we had quite a full discussion in committee. We finally resolved that we could distinguish between a money bill and a payment for service, and we were perfectly free to deal with it in the ordinary way without adopting these expedients.

Now I come to what I regard as the kernel of this thing. I would first read to you section 53 of the British North America Act, which says:

> 53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

There you have a prohibition against the introduction of bills of the character described in section 53. But that section is not all embracing in so far as to cover everything that may be described or may have been described as a money bill, but only bills as call for "aids and supplies" to Her Majesty and bills imposing taxes to provide revenues for the operation and functioning of Government.

This provision was absolute, certainly up until the No. 2 amendment to the British North America Act in 1949. It was absolute in its terms, and the only way we avoided impact on occasions was by making use of the expedients that I have described to you today, where we said it was not really a money bill within section 53 or, if it was a money bill, we did not deal with that phase of it. But in 1949, by a resolution of the Senate and the House of Commons, and by an act of the Imperial Parliament, the following amendment was made to section 91 of the British North America Act. Honourable senators will recall that section 91 enumerates the specific powers which the federal authority

has exclusively and also the residual general authority. The amendment in 1949 reads:

> 1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House: provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House.

This amendment was provided to be inserted in the enumerated list of subjects jurisdiction over which was exclusively that of the federal authority. It became item No. 1, and the existing item No. 1 became item 1A.

Having dealt with that, then, you will recall that the opening words of section 91 of the British North America Act, as it originally came into force, and you have to put them ahead of the amendment which is the right to amend the constitution, were these:

> It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects met hereinafter enumerated; that is to say—

And then I read in the amendment of 1949 which added in that enumerated class notwithstanding anything anywhere else in the Statute the words—

> The amendment from time to time of the Constitution of Canada,...

with the exceptions therein provided. So that you get down to the legal basis, and the legal basis thereafter in my submission is briefly that the Senate or the House of Commons may introduce legislation under this new amending item 1 dealing with the items in section 53 of the British North America Act, notwithstanding the provisions of that section and the requirement in that section that such bills must originate in the Commons.

Now the question is, how may Parliament proceed to do that? This question was discussed at certain federal-provincial conferences, and at one of these, when the discussion went along the lines that at least if you were introducing a piece of legislation in the Senate that was a money bill that might fly in the face of section 53, the then Prime Minister of Canada, the Right Honourable Louis St. Laurent, suggested that at least you should say, "notwithstanding section 53." Mr. St. Laurent's viewpoint was that you are only using the word "notwithstanding" twice, because "notwithstanding" is already in the preliminary part of section 91 as it originally stood, and as I read it to you, that:

> for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends...

Then you bring in item No. 1 to the amendment of the Constitution. So that in my submission, if it makes any person feel happier, you may use the word "notwithstanding" but as a matter of law it is not necessary. So at this time this is the basis on which I say to this chamber that in my view you can introduce any measure or any bill in either house.

Now, it might be suggested that if we were free to introduce money bills or all classes of taxation bills and everything else in the Senate, the Government might in some sense be embarrassed and it might interfere with the order and process by which they conduct the affairs of the country. So, honourable senators, we have Rule No. 70 in the Senate which says this:

> The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the

Senate, have been recommended by the Queen's representative.

Honourable senators can see the control that that gives to the Government, because under our own rule we could not proceed with such a measure unless it has been stated to the Senate that this bill has been recommended by the Queen's representative. This means the only person in the Senate who could speak and advise with respect to the recommendation of the Queen's representative would be the Government Leader in the Senate. So, there is that measure of control.

Hon. Mr. Flynn: Even if he were not a member of the Cabinet?

Hon. Mr. Hayden: Yes, I think his title as Government Leader entitles him to speak on behalf of the Government.

Hon. Mr. Flynn: Yes, but—

Hon. Mr. Hayden: He would be conveying a message and, in effect, that is what happens even in the procedures in the Commons. Before third reading in the Commons the practice has been followed—even when they introduce a resolution first, which is a house rule and not a constitutional requirement—that it is also stated, "This has been recommended by Her Majesty" or, in earlier days, "by His Majesty." It is a form of message, and, in my view, it is not necessary that the conveyor of that message be a minister in the Government. I think it is essential though that he should have the authority to convey the message, and with the designation of Government Leader in the Senate he may convey that message.

Hon. Mr. Roebuck: Is that consent always in writing?

Hon. Mr. Hayden: Never in all my life have I been close enough to the inner workings of the ministry to know whether the statement that this is recommended by Her Majesty has been at some stage reduced to writing. I do not know, but it seems to be that if the statement is made by some person who is one of the advisers of Her Majesty, then that is sufficient authority. That is the only explanation I can offer. Even in a provincial way, you have been much closer to the situation and would know, within the applicable limits in relation to spending money provincially, how that is done.

Hon. Mr. Roebuck: I cannot answer that.

Hon. Mr. Thorvaldson: May I ask a question of the honourable senator? I take it for granted that your position is that the resolution will have to be made by the Cabinet, that it is not enough for the leader to say so in the Senate. The resolution will really have had to be made by the Cabinet?

Hon. Mr. Hayden: No. What I say is that under our rule any senator may introduce a bill in the Senate. If it is a public bill, then I think the Government Leader has to introduce it. So, in this case if a bill appropriating money were being introduced in the Senate, the Government Leader is the one who would have to introduce it, and he would have to convey the statement that it is recommended by the Queen's representative.

Hon. Mr. Thorvaldson: But supposing that statement were not accurate, that he made a mistake and the resolution in regard to the expenditure had not been made, but the Government Leader made an error in thinking it had been and so presented the bill in the light of that thinking—what would the situation be then?

Hon. Mr. Hayden: Senator, I do not profess to be the last word on constitutional law—

Hon. Mr. Roebuck: You are pretty good at it.

Hon. Mr. Hayden: —but there are certain basic principles to which I subscribe. One is that if the Parliament of Canada does something within its exclusive authority, no matter by what means or lack of means it moves along the route to the accomplishment of that, once the thing has been done and it has been enacted into law, then, in my view, there is no place where you can seek repeal or change. You cannot go back and take it away if they have exclusive authority to deal with it. If they have trenched on provincial authority, that is a different matter.

Now, going on from there, I would suggest this. I still subscribe to the principle which I think is basic in any democratic country: No taxation without representation. Therefore, I think that basically a large measure of control in connection with the levying of taxes should exist in the Government; and that, the procedure for bringing such things into force, so far as any steps that the Commons can take are concerned, might be justified more by that elective body, in the first instance, than by an appointed body, when you are dealing with this democratic principle of "No taxation without representation." But it still leaves a

large and increasing volume of so-called Government business which can just as readily be introduced in the Senate as in the Commons. The moment you remove the effect of the prohibition that exists in section 53—and now, as a matter of law, it is no longer an absolute prohibition, in my submission—and either by the introduction of a bill which flies in the face of section 53 or by using the words, "notwithstanding section 53", authority would then exist in the Senate, in conformity with its rules, to deal with whatever the measure may be, and the day for the expedients and for the attempt to distinguish between what is incidental to the main purpose and what is not has gone.

I can give you an illustration. You had an explanation last Thursday of the Investment Companies bill. In that there is provision for the making of assessments by regulation by the Governor in Council in amounts that are related to the overall income and expenditures of investment companies that are required to make returns with such percentages applied, such overall percentage, to the particular company. That is the amount that becomes the amount of the assessment which the investment company must pay, and that money is applied to take care of expenditures of the Government in the administration of that department.

At one stage there may have been considerable discussion, but there is no discussion now about our right to deal with such a bill. Even without the amendment in 1949, we could deal with it because we were not dealing with public money or revenues. We were taking the money from these companies to pay for a service we were giving them and, therefore, it would be outside the realm of any prohibition by section 53.

Hon. Mr. Flynn: Let us say there is a miscalculation and the anticipated revenue will not be sufficient to pay for the services.

Hon. Mr. Hayden: If there is, it is just too bad. The Government would have to make up the difference because they make the expenditure in the first instance and reimburse themselves.

Hon. Mr. Connolly (Ottawa West): May I say that we are all most interested in the very clear argument that the honourable senator has made, but, in effect, would he agree that what he claims for the Senate is the right to introduce any bill, except a bill that is called an appropriation bill?

Hon. Mr. Hayden: If you are asking me whether I agree that that is the state of the law now, I reply, no, I do not. I say that the state of the law now is that any bill, even a bill that flies in the face of section 53, may be introduced in the Senate, following the procedure of our Rule 70 in the Senate. But I then come along and say that as a matter of practical politics, and with the great respect I pay to the statement "no taxation without representation," I would expect, and I would be very disappointed if this were not the case, that the minister and the elected members insist upon their prerogative. As a senator I would want them to take their responsibility, because of the other principle I have asserted here from time to time, that the people who spend the money should impose the taxes necessary to raise it.

Hon. Mr. Connolly (Ottawa West): That is the question I asked. Given that reservation with respect to the democratic process, any bill, other than an appropriation bill, can be properly introduced here.

Hon. Mr. Hayden: Yes, that is my view. I have given my reasons, and my view is not worth any more than the reasons I have given in support of it, but there it is to be considered.

Hon. Mr. Roebuck: May I ask a question?

Hon. Mr. Hayden: Yes, certainly.

Hon. Mr. Roebuck: At the present time money bills must be introduced in the House of Commons. When they come to us, after being passed by that house, there is the parliamentary rule—I think it is more than that; it is a constitutional rule—that we cannot increase the amount, although we hold the opinion here that we have the right to decrease the amount. If a money bill were introduced here and we passed it, and sent it to the House of Commons, would that house be restricted in any way in respect to changing the bill?

Hon. Mr. Hayden: In my view, no. I would think that they have full freedom in dealing, with it. If such a bill is introduced here and we pass it, then I think the House of Commons is free to consider changing or amending it.

Hon. Mr. Roebuck: They would have to obtain the consent of the Governor General.

Hon. Mr. Flynn: That is, if they increased the appropriation of money. I say that because of section 54.

Hon. Mr. Hayden: I am ready to answer such questions as I am able, but I do not relish being caught in the middle of an interchange. I was merely answering the senator's question.

If, for instance, we pass a money bill—

Hon. Mr. Fournier (De Lanaudière): Honourable senators, I do not want to interrupt the honourable gentleman, but if I do it is merely to say that the honourable gentleman is quite correct in what he says.

In my opinion, we are discussing this question at a quite high level, and I feel I am not totally qualified. But so far as money bills are concerned I think we, as half of Parliament, have the right to introduce a money bill at any time, but we have to refer the matter to those members who are elected by the people. In my opinion, there is no doubt that we have the strict right to introduce a money bill or—

Hon. Mr. Hayden: It was my understanding that the honourable senator wished to ask a question. I am not through yet.

Hon. Mr. Fournier (De Lanaudière): Very well; this is not a question.

Hon. Mr. Hayden: But, I am not through speaking.

Hon. Mr. Fournier (De Lanaudière): The honourable gentleman made a few remarks, and there were remarks made by other honourable gentlemen, and I just wanted to say my word.

Hon. Senators: Order.

Hon. Mr. Fournier (De Lanaudière): As other honourable senators have—

Hon. Mr. Hayden: But you are making a speech.

The Hon. the Speaker: Order. Am I correct in understanding that the honourable Senator Hayden has completed his speech?

Hon. Mr. Hayden: No, I am not through.

The Hon. the Speaker: Then, the honourable Senator Fournier (De Lanaudière) wants to ask a question.

Hon. Mr. Choquette: He wants to make a speech.

Hon. Mr. Fournier (De Lanaudière): No, it is not a speech. I thought that since other honourable senators were authorized to make remarks, I should be allowed to state that I share the opinion of the honourable gentleman. That is all.

Hon. Mr. Hayden: Perhaps I can amplify the answer given to Senator Roebuck and Senator Flynn. Section 54 of the British North America Act provides:

> It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

This is a prohibition, even in the House of Commons. It requires that they should have this recommendation before they can proceed with a bill of that kind, but, in my submission, what I have said in relation to the 1949 amendment applies with equal force to section 54, and the same argument that I made with respect to the application of the amendment to section 53 applies. If Parliament proceeds differently, and does something that flies in the face of section 54, then it is an amendment of section 54, and the Parliament of Canada has exclusive authority to do that.

This may sound like a 1968 constitutional statement, but this is my interpretation and, as I have said, I have given you my reasons for it.

I can tell you that the practice has been reasonably loose in dealing with such measures. For instance, with respect to two bills dealing with the Yukon Territories during the last three or four years there was a resolution for the enactment of the bills, and a recommendation of the Governor General because there were financial commitments in the bills. But, only one of the bills was passed that year. The second bill was passed in the next year, but in respect to it there was no recommendation and no resolution preceding, and yet section 54 requires that that recommendation, or that message, be in the year in which the resolution or vote is proposed. There you have even Parliament itself going along on a basis that gives recognition to the position I am presenting as to the overriding effect of the 1949 amendment in relation to sections 53 and 54. It may indeed apply to other sections, but those are the ones I have particularly looked at.

May I summarize? I think, first of all, the reforms that are being proposed, or institut-

ed, which would have the effect of making, in my submission, the procedures in the House of Commons more in line with the procedures in this house, would work to the advantage of both houses. One very noticeable advantage would be in the fact that there could be some study made of the time required in connection with the various bits of legislation that are going to be presented, and the time of both houses in that fashion could be utilized to broader advantage than having one house giving its consideration to all the bills, or, at least, to the major portion of them, while we are sitting by with some of the smaller bills and with our own work waiting for those to come from the House of Commons. Perhaps some kind of division can be worked out. Surely by now, even on a trial-and-error basis, we in the Senate have demonstrated that we can do the best work in connection with the consideration of legislation—and here I think of the National Defence Act, to which I referred earlier, and the Criminal Code, in respect of which the minister came over here to initiate the bill. We put a provision in our rules years ago to enable a minister to come over here and introduce his bill. We have not had more bills introduced in that manner, and it is quite natural, I think, that ministers should want to stay close to their legislation, particularly if they feel it is breaking new ground. They are loathe to leave it in the hands of another body to present. Having pride of authorship, in all I suppose they felt they could do a better job in their own house. When we introduced the rule saying, "You can come over here and say everything you could say in the Commons", a number of them took advantage of that. We had the Criminal Code, the National Defence Act, and the Bankruptcy Act on several occasions. I am just recalling those that occurred within my tenure of office here.

By each house complementing the work of the other, working with some considerable measure of co-operation, instead of having some of the exhibitions we hear of from time to time, and instead of the ready condemnation of the Senate as an institution—which I think is sometimes more in an effort to draw criticism away from their own yard—with that spirit of co-operation we would get more expeditious and better work, and less time would be consumed in the doing of it, all of which would be for the greater benefit of Canada and of the institutions of Parliament.

Hon. Jacques Flynn: Honourable senators, it may be risky on my part to follow Senator Hayden after having given this matter only a few moments reflection, but as he has provided us with a lot of food for thought and discussion I will take that risk.

First I wish to compliment him on calling the attention of the Senate to this important subject at this time, when we are reviewing our rules and considering the so-called reform of the Senate. I say "we," but the subject of Senate reform is a very popular topic at government levels and generally among the public. I would say that the objective indicated by Senator Hayden is one which I entirely share. To prove that, I should like to quote from what I said on September 17 of this year when speaking in the debate on the Speech from the Throne, which appears at page 37 of *Hansard*:

> The principal solution, however, for increasing the role of our chamber in the legislative process is to have more legislation initiated here. This may be difficult, unless an amendment is made to the B.N.A. Act which would authorize certain so-called money bills—and I am thinking of practically all bills except taxation and appropriation bills—introduced in this chamber, especially when the legislation has not too much political or, if you prefer it, electoral impact. We are better equipped to deal with technically difficult legislation than is the other place.

Therefore, whether or not I am prepared to agree with Senator Hayden's thesis, I think we are entirely in agreement on the objective we should seek.

At the beginning of his remarks Senator Hayden said that under the B.N.A. Act both houses have equal authority. Constitutionally, I agree with that, but there are differences under section 53. However, I am not so much interested in seeking for the Senate equal authority with the other place. I think our objective should be an ability to assist the other place more than we do, to play a greater role in the legislative process, and otherwise. I think the other place will always be very jealous of the privilege of keeping complete control over exclusive appropriation bills, or taxation bills. To be more explicit, when I speak of an appropriation bill I am not speaking of one which would indirectly appropriate some money, but of a bill to deal with budget expenditures and to impose

taxation. I think those bills should always be initiated in the other place.

Under the present system I do not think anybody should want the Senate to be another House of Commons. If you want the Senate to be another House of Commons you might as well abolish the Senate outright, because I do not think there is any merit in having two competing elected bodies. I believe there is a distinct advantage in our system of having an appointed body which is less preoccupied with electoral or political problems and, as such, assist the other place. You may disagree with this; you may wish the Senate to disappear because you do not accept the principle of an appointed body, but as long as you accept the proposition that an appointed body can play the role I have just described, then I think we should very well continue to look forward to changes which would be beneficial to the Canadian Parliament.

Senator Hayden has presented an interesting thesis on the effect of the 1949 amendment to section 91 of the B.N.A. Act. I must say that I am a little surprised at this; I had not heard this proposal before and I am not sure that I have had sufficient time to digest it sufficiently to pass judgment on it. I would only say that I am a bit worried at the idea that every time a money bill is initiated here we are, in effect, amending the Constitution without any warning to Parliament that we were doing so. This is implicitly what is suggested by the honourable Senator Hayden.

Hon. Mr. Hayden: I presented the alternative.

Hon. Mr. Flynn: But you say that every time we initiate a money bill here it is constitutional for us to pass it, and if it is passed by the other place then it is legal, because Parliament would thereby have amended the Constitution, as it is empowered to do under Section 91. This was my understanding of the whole of his thesis.

Hon. Mr. Hayden: The other part of the thesis was that if doing it by short division in that fashion bothered you, you could do it by long division, by saying, "Notwithstanding the provisions of Section 53."

Hon. Mr. Flynn: Yes, of course, you could say it, but I do not think this has ever been used. Even if we were to use this phrase, I am not prepared, at this time, to agree that this is a good solution. I do not favour dealing with the Constitution as if it were any other bill. I know that the B.N.A. Act is a mere act of the Imperial Parliament, which, to the extent of the 1949 amendment, has been given to the jurisdiction of our Parliament, but I do not like to deal with our Constitution, as suggested by the honourable senator, as easily as dealing with any other of our statutes.

In any event, there were other ways to deal with money bills here than by invoking the effect the 1949 amendment had to section 91. This has been used in the House of Lords, where on third reading of a bill they would simply delete or put in brackets all the provisions having money implications, and forward the bill, with the sections in brackets, to the House of Commons where they would be adopted, complementing the bill. The sections, after having been added in the other place, would merely be returned here for concurrence as amendments. Such concurrence by the Senate would be a mere formality, because the Senate would have taken cognizance of these sections before.

That is the device which has been used in the House of Lords and accepted by the House of Commons at Westminster, which is acceptable. Whether we use that device or whether we accept the thesis of Senator Hayden, the situation is not entirely satisfactory and I do not see why we should not ask, and repeatedly ask, for an amendment to section 53 in order to define as money bills only those bills that I have mentioned before, namely, bills imposing a tax, or actual appropriation bills, where the appropriation is not merely incidental to the purposes of the bill, so that we would be in a position to do what we want to do, which is to share more in the legislative process and be of greater help to the other place. I suggest that, since the 1949 amendment this one would be very easy. This would be an amendment to the Constitution which Parliament would pass, knowing what it is doing, rather than amending the Constitution every time it deems wise for reasons only of, let us say, efficiency.

Again I am hesitant to accept the thesis of Senator Hayden. We should not touch the Constitution for reasons of efficiency only: we should know exactly what we are doing. If we really want the Senate to do more than at present, I do not see why the other place should not agree to a specific amendment to article 53. We are not trying to take privileges away from the other place; we are really telling the other place we want to help more, which is the role of the Senate. We do

not claim more authority than the other place; we do not seek even equal authority, but rather a different authority, a very specific role.

Therefore, I would not hide the purpose we are trying to achieve. I would want the other place to agree to an amendment to section 53 so that we could initiate bills here which may have money provisions incidental to them. We are better qualified to deal with certain bills because they are technical and complex and because they are less electoral or less political. We could consider them in the more calm climate which prevails here.

In conclusion, I thank Senator Hayden for having raised this question and, even if I am not able at this time to share entirely his conclusions, they are thought-provoking and they are a very useful contribution in the circumstances.

Hon. Senators: Hear, hear.

Hon. Sarto Fournier (De Lanaudière): Honourable senators, a moment ago I rose to make a remark and I was asked in a most gentlemanly way if it were my intention to make a speech. It was not my intention to make a speech. We were discussing money bills and I was listening to the very learned remarks by the honourable Senator Hayden. Having heard the remarks of the honourable Leader of the Opposition, I finally found the quotation in Bourinot which helps me to say exactly what I wished to say a moment ago. I was speaking then from memory, from what I learned at university many years ago. I have found the paragraph now, confirming what I was sure of in my mind.

I should like to quote from *Bourinot's Parliamentary Procedure and Practice*, fourth edition, edited by Thomas Barnard Flint, page 493. Before I read it, I wish to say that the Senate can initiate a money bill under certain conditions. Now, in order to corroborate my opinion, I would like to read this paragraph in Bourinot:

> It is frequently found convenient to introduce bills involving public expenditure in the Senate, and in such a case, the money clauses are embodied in the bill as presented, in order to make it more intelligible. When the Senate goes into Committee on the bill, these clauses are ordered to be left out. They are printed in red ink or italics in the engrossed bill sent up to the Commons, and are technically supposed to be blanks. These clauses are always considered in a previous committee by the Commons, and then regularly referred to the committee of the whole on the bill. In the same way, resolutions imposing a tax or duty must be alone considered by the Commons, and referred to the committee on a Senate bill.

My only intention is to indicate to you that here in the Senate we have the capacity, we have the power and we are entitled to introduce a money bill, provided that the other place agrees with us and that the bill has been drafted first here in the Senate.

It was not my intention to make a speech but merely to corroborate my most learned colleague, the honourable Senator Hayden.

Hon. L. M. Gouin: Honourable senators, I should like to congratulate honourable Senator Hayden and the honourable Leader of the Opposition on their interesting contributions. A few years ago we had a bill before us which had, between brackets, as suggested now by the honourable Leader of the Opposition in the case of the House of Lords, certain money clauses. We did not pass them, of course, but these clauses were necessary, as I recall, for the understanding of the bill. After the bill had been passed here, and then by the House of Commons, it had to come back again to us so that we could give our consent to the measure as finally amended.

On motion of Hon. Mr. Thorvaldson, debate adjourned.

POVERTY

APPOINTMENT OF SPECIAL COMMITTEE

The Senate resumed from Thursday, November 21, the adjourned debate on the motion of honourable Senator Croll that a special committee of the Senate be appointed to investigate and report upon all aspects of poverty in Canada.

Hon. David A. Croll: Honourable senators—

The Hon. the Speaker: Honourable senators, may I remind the Senate that if the honourable senator speaks now it will have the effect of closing the debate.

Hon. Mr. Croll: Honourable senators, I was very much intrigued by and interested in the preceding debate. Since plans were being made to initiate programs for spending money, I already had ideas as to how that

money should be spent. I will try to tell you about that this afternoon.

First, I want to thank all those who participated in the debate. They made very valuable contributions because they spoke from their hearts. The debate indicated their concern just as their contributions came from their depth or knowledge and experience, based on their many points of view. As a result, I think this country has become more aware of what the Senate has been undertaking. In this instance the technique of repetition has worked out very well for this particular problem.

Indeed, there is evidence that there is some feedback. Some of you may have noticed that on November 5 there appeared on the Order Paper of the other place a motion by Mr. Leblanc of Laurier, reading:

> That, in the opinion of this House, the government should set up immediately, jointly with the Senate, a special committee whose main terms of reference would be to study, examine closely and analyse the 6th chapter of the Fifth Annual Report of the Economic Council of Canada dealing with the problem of poverty in order to find adequate solutions to remedy an urgent and deplorable situation.

That indicates to me that mail has been coming in to the members in the other place. Inquiries are taking place and there is some interest.

Generally, the speeches have been of high calibre, blending humanitarian overtones with a real desire to be helpful; to a large extent they have indicated the various backgrounds of the speakers.

After the resolution went on the Order Paper I had a discussion with the Leader of the Senate in the same tones that the Leader of the Opposition discussed the matter the last time he spoke in the house. At this time it is not clear just where we are going, so we have to keep all avenues open. But one can take guidelines from the discussion that has taken place, and I have attempted to restrict it within reason. On the other hand, there will be 17 members on the committee; they will all have views and we must let them have some flexibility and some movement. The speech made by the Leader of the Opposition reflects to a great extent my thinking, and I am sure it will reflect the committee's thinking.

I used in this case the exact words that came from the Fifth Annual Review in order to indicate that we were not trying to take a shortcut. We were not trying to enlarge. We were concerned with the chapter dealing with poverty in the report, and in taking a good look at it. If there is anybody in this house who thinks that the committee will go out and look for poverty customers, banish that idea from your minds. We have them identified already. We know who they are. We do not know who they are by name, but we know whom to look for and what their problems are. I do not think we will have to go much beyond the Economic Review.

We did have a very lengthy and useful debate, and it was necessary. It was necessary because Canadians have a habit of closing their eyes and sometimes their minds to that which they do not like. Very often Canadians try to avoid facing the truth. I sometimes think that Canadians are born with self-serving blinkers. What they do not want to see, they do not see. I will call your attention to some things they should have seen a long time ago. For that reason, the truth had to be stated and had to be repeated over and over again.

We have had no serious depression in Canada for 20 years. It has been the longest continuous upsurge in Canadian history. And yet something is the matter in this country. The Economic Council finally diagnosed it as a "cancer" and called our attention to it.

Honourable senators, we must do more effectively that which we originally commenced to do through our social measures. We have to examine our social measures in action. But this cannot be a long-term job. We have to do it as quickly as we can. And there is no hesitancy on my part to say that our concept of social welfare needs revision. It needs some rethinking. It was good in its day. I am the last one in this house to have anything but words of high praise for the social measures that are on the books in this country, but we have here a bewildering array of agencies, programs and services, and by the time the benefits trickle down, there just does not seem to be enough and they are almost totally inadequate.

The Economic Council spelled out the problem in its Fifth Annual Review. We need not discuss poverty in a vacuum, therefore. There is full confirmation in the report, and in addition there is the Report of the Canadian Welfare Council in October of this year. Those of you who have been following the press know

that there is evidence of poverty before the Royal Commission on the Status of Women. It makes evident what poverty does to females, who, as a group, are poorer than Canadian men.

So, it behooves us to make a meaningful attack on poverty, and it is going to cost money—a great deal of money. We should look around at the same time to find avenues where money can be saved. On another occasion I think I will be able to make a contribution.

Many of us came of age during the depression, and many of us knew poverty first-hand. Yet, now that we are in authority and have responsibilities we find that solutions come few and hard. Why can we not be rid of poverty? Well, there are many reasons. One is that we adopt sudden, make-do methods and fail to exercise foresight, planning and determination to stay with it until such time as the job is done. The affluent society does reduce the problem, at least for those of us who are able-bodied and have skills. But the aged, the unskilled, the uneducated, the under-educated and the handicapped are excluded even in an affluent society. It is indeed a very real and baffling problem.

The Economic Council report has been a painful reminder to the people of Canada that poverty has become a challenge to the established order. Moreover, we have in this country problems of Indians, Eskimos and Metis which should never have been a special problem. If our national goal is a just society, and it is, then serious poverty must be eradicated, for it is far too costly in every respect. We will never make real progress until our best minds set their sights on a solution. We have now precisely and meaningfully acknowledged the existence of the evils of poverty.

There are in this country two societies. We have the great majority of 16 million, who are the beneficiaries of the economics of affluence. It is true we always claim we are broke, but some of us are broke in a most comfortable sort of way. These 16 million that I speak of are trained, educated and hold steady jobs. They have good health, they are living in comfortable homes and are benefiting from every increase in the gross national product. However, the five million minority who are trapped in the economics of realistic poverty, and the culture of poverty, are poorly trained, uneducated, under-educated, unable to find or hold a job, have low incomes and frightfully bad housing. To those particularly, we who have had a rough time in our youth have a special responsibility. We are the generation that climbed the economic ladder and even the poor helped us in our ascent. But they seem to be trapped in perpetual poverty, and it is our responsibility to show them a way out of the trap. We have to help them to bridge the gap.

When I began in politics, and that was many years ago, I believed that if you had economic growth and full employment in the country, you had the game beat; you had it made. Well, that is no longer true. We have got to re-adjust our thinking on these economic formulae, because we have uneven distribution, substandard wages, urbanization and other matters that perhaps we did not know about.

I also believed at one time that if you had enough public housing you had it made. That is not true.

Hon. Mr. Flynn: It is not what you have; it is what you want.

Hon. Mr. Croll: The neighbours do not like public housing; people who live in them do not like the idea of council houses. It is accepted in other parts of the world, but not in our country. The people want to have an interest in the house. They want to have a piece in the play and they want to own part of it. It is about time the Government came to the conclusion that no matter what the down-payment is, or if there is no down-payment, if you get people into the house who will maintain it, look after it and pay the rent, you are far ahead of the game.

One thing we will certainly have to consider is the establishment of a department of housing with a full-time minister, and he will have a full-time job to provide housing for this country in the measure that we deserve.

I once thought that if you had a massive social security program, you had the game beat and you were on the right track. We have such programs now but we find that they are departmentalized, they are scattered and overlapping. We know that they are not bringing us the results that we thought we would attain, despite the fact we are spending money. We are not cheap. I will give you the figures on that in a little while.

You ask, "What is poverty?" There is little use in my telling most of the members of this house what is poverty. Poverty is a widow with young children living on welfare; it is a deserted wife with young children living on

welfare; it is the head of a household with a young family who is crippled by accident, automobile or otherwise. Poverty is a single woman who stayed home with her parents and is now alone and without skills; it is the head of a household plagued with sickness, prolonged ill health, physical and mental, who cannot work full-time and does not get much wages when he works part-time. Poverty is a man who is receiving substandard wages, has a large family and is trapped in his environment and location. Poverty is a man who cannot hold a job because he is uneducated or under-educated, works for four months and is off for eight months. Poverty is a state of mind to all of us who allow these conditions to prevail. We are clearly a young nation, one half under 25 years of age and one third under 15.

Honourable senators, I have defined poverty, but the definition is not complete. It is a relative term, and it varies from area to area and from generation to generation. The amount of income is not necessarily an accurate and adequate measure of poverty. Environment and the character of the individual are some of the determining factors. The solution is in the hands of Government, all levels of Government; private enterprise has a stake, but the main responsibility is that of the federal Government with regard to leadership and funds, for this is a national problem. Moreover, these are man-made conditions to be put right by man.

In approaching our study I think we will have to move into some specific areas. They will be those of income, slums, Indians and other disadvantaged groups, and welfare measures.

Let me deal for a moment with some welfare measures. I said before that we have welfare measures that compare favourably to any in the western world, and I think they are better than most. We have given leadership in many instances, but the measures have been built up *ad hoc,* in bits and pieces; no one has made an overall plan. We have to examine these, not to do any witch hunting, but to have a thorough investigation as to their practicability in the light of present experience. I think it will be good that we should look at them, for in order to make any progress at all we in this committee must stand in the shoes of the poor. We cannot be a party to turning the clock back.

We speak of some very important social measures in Canada, such as the Canada Assistance Act, which changed our whole concept of social approach, for we had been burdened with a means test in this country for generations, and we changed it to that of a needs test, which is an entirely different thing. On this basis of need, are we meeting it? Some of the provinces are using the act and some are not. We ought to know why they are not. I do not think we will continue to meet the needs of the people of this country if the federal Government contributes only money. When we examine the matter of hospitalization, will the standards be maintained if we withdraw and only contribute? I doubt that very much.

Educational costs have been very heavy, but can the ultimate benefits be measured in present expenditures? When you think of the sacrifices that families made in order to give a child an education, what difference did it make what it cost in the end? It was a delight and pleasure to know that they had started someone off in a way of life that was much better than their own.

Speaking of "need," the act has now been passed some time. Last week the United States government decreed that need will now be the basis upon which they will provide assistance. Applicants in their country are made eligible on the basis of their own statements, a provision we have with respect to Old Age Security. This has been in effect in the State of New York on a test basis for a period of time and now applies to the whole of the United States. The statistics indicate that there was very little abuse in the State of New York. The number of infractions was about the same on the basis of need as it was when they investigated everything they were told by applicants before giving them assistance. They made the very vital point that the new system we have introduced here, and that they have now introduced, would free social workers to provide effective social services. They estimated that the average welfare worker was spending 70 per cent of his time investigating the eligibility of relief recipients. They felt that was a waste of time, and that to take a statement of need, as we do now under the Canada Assistance Act, was by far the better thing to do.

I said a few moments ago that we were not pinching pennies on social measures in this country. I must thank Senator Carter for bringing these very interesting figures to my attention. The social welfare expenditures for 1967 at all three levels of government in Canada totalled $5,956 million—about $6 billion. That is an increase over the year before.

The federal Government has a budget of $10 billion-odd—the provinces have a budget of $8 billion-odd; and the municipalities about $4 billion—for a total of $22 billion. Of this amount, $6 billion was spent on social welfare—10 per cent of the Gross National Product, 22 per cent of the tax dollar. I am not suggesting for a moment that is a penny too much or that it is even enough. That is my attitude. What I am saying to this country and to this house is: Are we receiving value for our money? That is all. Is it doing what we think it ought to or can do? Should we not take another look at it and see if we cannot make it work so that we are not faced with a minority of five million people living in a state of poverty?

One of the most helpful approaches to the problem of poverty, of course, is education. I think we owe it to ourselves to have a generalized review of the interaction of poverty and educational levels in Canada, an examination of the educational level in different regions, an analysis of the effects of the educational system on the economic well-being of the community. Naturally the study would involve a special study of minority groups, such as Indians and Eskimos. It will attempt to describe the mechanics whereby low educational levels and poverty are self-reinforcing. We are committed to massive education in this country. It is in the hands of the provinces, and the results are not yet fully foreseeable. We must wait for some time before we can see the full effect, but I think it is well to know that the placing and training of applicants who need assistance seems to be working pretty well. There are some imaginative programs.

One of the very important things we have to consider in this committee is the guaranteed income, or what is sometimes called a negative income tax. I remind the Senate that this is no novel idea that originates here. The Economic Council discussed this and said. "Take a good look at it", and added:

> An official minimum income level would be established for family heads and non-family individuals.

All would be required to complete an income tax return. When income fell below the official level, a negative tax payment by the Government would make up the difference.

This is exactly the system that has met with so much acceptance by the recipients of Old Age Security, which has been in effect for a few years.

Those of us who have been in politics for some years—and most of us have—remember that there was a constant appeal to us from the recipients of Old Age Security. They were everlastingly complaining. I am not suggesting that they are all now completely satisfied, but this has proven to be the most satisfactory approach ever taken to the problem. Let me give you some statistics. On September 25 of this year a question was asked in the other place, as reported at page 453 of *House of Commons Debates:*

> How many persons in Canada, by provinces, are in receipt of the Old Age Security pension?

The answer gives the total as 1,376,600. I will not give the number in each province because I do not think that is important. The next question was:

> Of the recipients of the Old Age Security pension, how many persons in Canada, by provinces, are in receipt of the Guaranteed Income Supplement?

The answer given is 735,965. Honourable senators will recall the first figure I gave.

A third question was asked:

> Of those receiving the Guaranteed Income Supplement, how many persons in Canada, by provinces, are receiving the full amount?

The answer given is 455,617, leaving 280,000 receiving a partial amount.

The fourth question was:

> What is the average amount, in Canada and by provinces, being received as a Guaranteed Income Supplement by recipients of the Old Age Security pension?

The average given is $26.77. Of course, it is more in some provinces than it is in others.

Well, it has done a remarkably good job, and it seems to me that there is a door of opportunity before this committee to act rather quickly on some things.

I would like to hear an argument from anyone who has an argument as to why a blind person, or a disabled person, or a widow, or an unemployable person should be subjected to two governments, federal and provincial, before he or she draws his pension or whatever he or she is entitled to, rather than from one government in the same way as people who are receiving Old Age Security. There will be savings. These people are in the mainstream of life, but they are not in the mainstream of the economic life of this

country, and they have got to be provided for. There is no purpose in dealing with them in the way we have been dealing with them. In any event, what we have done so far for Old Age Security recipients has worked remarkably well.

Some people may think this is a view that is not commonly shared. I should like to read from an editorial headed "A Little Outdated," which appeared in the *Globe and Mail* of November 12.

> Almost certainly Ottawa will eventually decide that some kind of negative income tax is necessary, to put an income floor under all Canadians. This would not only alter the income tax structure, but put into a single bag a multitude of welfare programs which Ottawa now shares with the provinces and even, in some cases, which the provinces share with the municipalities.

This is not a socialist paper, as I recall from having read it for ever so long.

Welfare groups, church groups, government administrators, and businessmen have not only been studying the problem, but have given it limited approval. It is not pie in the sky with ice cream.

Is it a solution? I do not know. If the guaranteed income results in a vast population of permanently subsidized unemployed, then who wants it? The paramount need is for increased job opportunities at fair living wages, and a maintenance of the family structure. It is not coddling that we are looking for, but many taking their place in a productive community. What we want to know is whether the Guaranteed Income will be a crutch on which people will lean, or whether it will be an incentive to go out and earn more on their own, if more of their earnings are exempted so that they may benefit from whatever earnings were brought into the household.

I know that we will again hear the cry: "You are going to have bums and loafers receiving help, and now you are talking about creating superbums." Well, it is just not so.

I have told you something of what the recent statistics in the United States indicate. The statistics I have been able to obtain with respect to this country are almost identical with those of the United States. About one per cent of the people who are receiving assistance beat the game, but that is below par for the course in respect of other elements in the community.

The philosophy of our social measures is to meet the need, and it is best expressed in the Canada Assistance Act, where need is the test. Although it is administered inadequately in many parts of the country, it is the law of the land. The old Elizabethan philosophy of "those who don't work, don't eat" went out the window a long time ago. It came out of a poor society, and is no longer tolerable. Today we meet the need through many agencies, and endless ordeals. Yet, the cycle of dependency is perpetuated by outworn social programs. I think that a guaranteed annual income would avoid the scattering of welfare services and could be far less costly.

We can provide a decent system of living for all Canadian citizens in a physical and material sense. I hope that the committee will examine, research, and establish a pilot project for a few thousand persons across the country, after consulting with welfare agencies, universities, and government departments, and establish different combinations—perhaps as many as a half dozen—for the purpose of studying them over a period of time. The Americans have undertaken such a project. We can examine it and benefit from it.

There came to my desk this morning—and very timely it was—a document entitled "Social Security. Prospect for Reform." It comes from the Bookings Institute, which all of us are knowledgeable about. It is an independent organization devoted to non-partisan research, education, publication, economics, government foreign policy and social sciences generally. Its principal purposes are to aid in the development of sound public policies and to provoke public undertakings and issues of national importance. The Chairman is Douglas Dillon, who you will remember was connected with the Eisenhower administration. Mr. McNamara is also a member. This book was published in September of this year. In dealing with social security they recommend the guaranteed income. These are people in high positions who have an understanding of what is going on in the country.

I point out to honourable senators that there is no time to lose. A great struggle is beginning between those who have been accustomed to controlling the structures of power and reaping economic benefits from it and the younger elements in our society who have decided not to link themselves with the so-called Establishment.

I am not speaking only of the student revolt. It goes beyond that. It is not enough to

say about the students that they do not know what they are talking about or what they want. They are talking about building a new world tomorrow, and if they join forces with the disadvantaged, the poor, the Indians, they will really have a cause. We, who can have a second sober thought and time to reflect, can do something about it before it gets out of hand by responding to the unending pressure for change, making a meaningful beginning for the disadvantaged, and that will be neither easy nor cheap. The time has come in our country to decide on priorities. We have faith in our system, so the Government must make it work in order to make it truly a just society.

The slums in this country are all about us. You do not have to go to the poorer parts of Canada to see them. Take a subway ride in Toronto or Montreal and you can see them at first hand. We must study the possibility of pilot slum projects. That we are plagued with slums can no longer be denied. The poor cannot pay to destroy them or eradicate them, yet we all agree it must be done. Who else but us? We ought to be able to recommend to the Government the undertaking of a few pilot slum projects of manageable proportions, to demolish them and build new housing, to make sure that they do not again become slums—this which will take a little doing—and in the course of the pilot project to repair, rebuild and renovate housing units. Every time we spend a dollar to eradicate a slum we grow richer, and we must approach this with a realistic sense of vision and be prepared to spend a considerable sum of money as an investment. In the end, the money we spend on slum dwellers and what it is costing us in money and many other ways would far more than compensate for the capital expenditure.

If we are wise we will look at the violent society of the United States and profit accordingly. Canada is not immune from the forces of hate, disunity and despair that prevail across much of our neighbour's land. We have to face up to the grim and hideous fact that one out of every five Canadians lives in poverty. We have to awaken to the realization that injustice breeds disease and eats away at the national fabric. We do not have a large negro population in Canada, but we have Indians who feel that they are the "negroes" of this country. We have slums hidden away in our pockets of poverty. Unless we are able to create a climate of economic justice in Canada we are heading for trouble.

Who would have thought only a few years ago that the United States could be torn by what amounts to civil strife? If our giant neighbour is gripped by an internal crisis of great magnitude, have we any reason to believe that we are immune from the contagion? Have we ever been immune from what has been happening in the United States? This is an age in which yesterday's impossibility becomes today's probability, an age in which technological genius points the way to a dazzling future. To say that there is no cure for slums, no solution to the plight of Canadians subsisting on the crumbs they are able to get, is a denial of our own humanity. Governments, social scientists and business leaders must pool their resources in an all out frontal attack on these cancers.

No matter what we do, we are not going to achieve Utopia, but it is possible for us to better the lot of the unfortunates in our society, to tear down rat-infested slums and replace them with decent housing, to effect a break-through that allows men, women and children to snap the chains that bind them.

The policy in this country is not entirely set by the minister when he says that we must build 200,000 new houses each year. Of course we must have new housing units, but it must also be our objective to demolish each year 1,000 slum dwellings and rebuild new housing, to renovate and rebuild at least 500 old dwellings that are capable of being used. As I said, we need a Department of Housing in this country very badly, and I hope the committee will see it that way.

Here is another problem. We have not paid too much attention to it, and I am as much responsible as others for that. It is the problem of the Indians, the Eskimos and the Metis. This relates particularly to the Indians, 220,000 of them.

We have to make a new approach. Nothing that we have done in the past seems to have met with the approval of the Indians. They continue to inhabit a separate solitude. I think the time has come for us to consider the creation of municipalities out of some Indian reserves, for Indians and by Indians, to create municipalities on a pilot basis, with all the powers of municipalities under the law, to be a municipality like any other municipality. We should consider the need to create a Crown corporation to pay the cost—and it would still be cheaper than keeping them all on relief; it would leave room for private enterprise and welcome red capital if it is available.

The various government agencies could do their best to bring industry to the municipalities and create a viable municipality. This should give the Indians an opportunity at self-government, self-assessment, and more knowledge of the way of the urbanized world.

A pilot municipal project will cost some money, but nothing is to be gained by continuing our misunderstanding with the Indians and other people. None of us should be asked to make a choice as to whether we are for the Indians or against them. We have been against them long enough: this time it would be better not to put us in that position where we have to make a choice. This time we would choose the Indians.

For far too long we have given lip service to the problems besetting our Indian population. It has been always a few kind words for the Indians and a few more million dollars for defence. We had better look on some of these matters more realistically. We talk and talk endlessly, but words alone do not wipe out the shame of what we have done since first this land was colonized. The intelligence, energy and dedication that we are able to bring to bear in solving a multitude of problems are qualities which are strangely lacking in our approach to the plight of the Indians.

There has to be a new approach and new thinking. We have got nowhere with a policy which tells the Indian what we think is best for him. Instead, we must invite the Indian to ask for the kind of assistance which he wants in order that he may help himself towards a better life. Of course, this will need money and a genuine desire to make a breakthrough. If we fail to come to grips once and for all with this national disgrace, then the words "just society" become a mockery and a sham. If we are to achieve a "just society" it must be a just society for all—white, black, brown or red.

Honourable senators, I do not know how you felt, but I remember when Governor George Wallace—who was a candidate for the presidency of the United States—came to speak at Toronto Maple Leaf Gardens under the auspices of one of the service clubs. The hall was full and the hecklers were giving him a rough time. I was not there, but I read of this in the press. They were heckling him on his stand on segregation, when he turned on them and told them a few things about Indians in Canada, and that was the end of the heckling.

Honourable senators will remember that recently we sent some people over to Nigeria, who complained about what the Nigerians were doing to the Biafrans. The head of the Nigerian forces said "What about your Indians? Would you like me to tell you something about them?"

Honourable senators, have you ever met some of the Members of Parliament who come from Caribbean countries? If you sit around and talk to them, you find they are nice, pleasant people. Finally it comes from them: "You do have an Indian problem in your country, do you not?" They bring it up and start to talk about it, and you realize that there is something in what they have been hearing.

Honourable senators, I think I have said about all that should be said at the moment in order to ask you to support this motion. This would be a strong, representative committee, whose members will be easily available and will have an especial interest in the problem of poverty. It will not be easy to get staff. The kind of people we want are in great demand and are not easily available. We have bespoken some facilities which are available in quarters now filled by the Divorce Committee, which they would give us at the end of the year.

In closing, I say to this house that the responsibility will be a heavy one. We have never undertaken a study in this house which has not been constructive. We have always come up with something of use and value for the Canadian people. The public will expect us to produce some tangible results and we must satisfy them, as well as ourselves. I hope all honourable senators will support the motion.

Motion agreed to.

Hon. Mr. McDonald: I move that we adjourn now until the call of the bell at approximately eight o'clock.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

INVESTMENT COMPANIES BILL

SECOND READING—DEBATE CONTINUED

The Senate resumed from Thursday, November 21, the adjourned debate on the motion of honourable Senator Desruisseaux for the second reading of Bill S-17, respecting Investment Companies.

Hon. Lazarus Phillips: Honourable senators, may I first congratulate Senator Desruisseaux for the able manner in which he has presented for our consideration Bill S-17, an act respecting Investment Companies. Knowing him as we do, his presentation and his clarity of expression was expected from him. The analysis of the basic principles of this bill has led me to the conclusion that some of its provisions are highly commendable, but that others certainly will require very careful and detailed study.

I hope, honourable senators, that those who take part in this debate will support me in expressing the view that when this bill is referred to the appropriate standing committee, the various clauses of the bill will receive even more than the usual detailed analysis, and that the honourable senators and the committee at large will have the advantage of obtaining both the views of those in authority who are sponsoring this bill and those of all interested parties and institutions who will be concerned with the administration of the bill when it becomes an act of Parliament.

At the very outset it is clear that those responsible for the drafting of the bill have been motivated by a high sense of public duty and by a desire to protect investors, whether lenders or equity holders in the stock, or evidences of indebtedness of companies that are engaged or that will be engaged in the business of investment. To the extent that this bill proposes to protect such investors, those in authority are entitled to congratulation and support.

It is further to be noted that the administration of the proposed act will come effectively under the direction of the Superintendent of Insurance. The incumbent of this important office is a man of superlative competence and one who enjoys the confidence of the public. A distinction, honourable senators, must be drawn between the quality of the person and the broad authority that will be vested in him, because this authority in turn will with the passage of time pass to others.

In making in due course some criticisms of certain aspects of this bill, I shall necessarily be exposed to the criticism that I am in favour of sin and against virtue. Obviously, legislation is necessary on the federal level in an effort to avoid the repetition of dishonest practices and offences by certain people who have been operating companies engaged in the business of investment and who have been responsible for causing serious loss to innocent lenders and investors. It must, however, be kept in mind that the overwhelming majority of Canadians actively engaged in this type of business are honest and law-abiding citizens. In the effort to supervise and to reach and to punish a recalcitrant and troublesome minority, we must not, in my opinion, vest broad powers in any agency of Government which might tend to interfere with the normal day to day business activities of companies engaged in the business of investment.

The essence, honourable senators, of a healthy economic climate requires a necessary suppleness, flexibility and sensitivity to changing financial commercial situations which will enable those engaged in these pursuits to adjust themselves to the requirements of the day. It therefore becomes a problem of no small importance to balance out a philosophy of approach which will punish offenders while at the same time not interfere unduly with the normal activities of the market place.

It should be pointed out at the outset that in section 2 of the act it is provided that the:

> "business of investment" with respect to a company means the borrowing of money by the company on the security of its bonds, debentures, notes or other evidence of indebtedness, and the use of some or all of the assets of the company for . . .

the purposes indicated in this section.

In practice, any significant borrowing of this nature, as defined by section 2, at least where the public at large is concerned, is evidenced by a trust deed which provides, among other matters, for the determination of the circumstances under which a borrowing company is in default, and for the protection of lenders. It also deals with the subject matter of the nature of the assets and liabilities of the company and the relationship of the one to the other. Honourable senators, you will see in a few moments why at this time I specifically make this observation.

I might also add parenthetically that the definitions of section 2, and particularly subsection 1, paragraph (b) thereof, in my opinion, lack the clarity required for an act of this nature, and will require considerable amendment in order to precise exactly what businesses and endeavours are to be covered.

If the phrase in section 2(1)(b) "on the security of" is equivalent to "by the issue of", then subsection (1) (b) and (f) would include

not only finance and acceptance companies, in the usual sense, but also all holding companies such as private, personal or family companies, and any industrial or commercial company which has ever borrowed funds and which has invested 25 per cent of its assets in other corporations, even if such corporations are wholly-owned subsidiaries.

I also think that a precise distinction must be made between those investment companies that deal with the public at large and those that are privately owned and deal only with banks and other financial institutions.

As was pointed out by my good friend Senator Desruisseaux, the sponsor of the bill, the act is divided under three headings, as follows: Part I, Supervision of Investment Companies; Part II, Certificates of Registry; Part III, General—and cover, in the main, the subject matter of assessments and regulations and notices to be given pursuant to the statute by the Governor in Council.

For the convenience of honourable senators I have decided to express at the outset my tentative conclusions with respect to this bill, and I shall then attempt to give reasons in support of such conclusions.

I am wholly in favour of Part I of this bill, at least to the extent that it provides for the supervision of investment companies. I commend those in authority for the draftsmanship of this part, which reflects careful thinking.

For the present, and subject to being convinced in committee, I am against the philisophy reflected in Part II of this bill, dealing with certificates of registry, but there are certain sections thereof which I believe to be of value, and which, after appropriate amendments, should be retained.

I entertain serious and grave doubts as to the desirability and efficacy of certain of the sections in Part III marked "General".

Honourable senators, I shall now deal seriatim with the various headings.

Part I of this bill as introduced, in my humble opinion, proposes effective procedures for the supervision and inspection of companies engaged in the business of investment. Such supervisory authority to inspect the activities of such companies, to send officers in to examine the books, and to keep, presumably, in close contact with such companies so as to see that they are in a general way properly run, is to be commended, provided this part is limited to companies which in one way or another deal with elements of the public which need protection.

I particularly congratulate those in authority on section 8 in Part I, which deals with the subject matter of prohibited loans and investments. I have not been able to detect any situation in which a dishonest person will not be reached by the terms of this section. The necessity of filing annual statements with the Superintendent of Insurance two months after the close of each fiscal year, such statements being verified by oath of two persons being, respectively, a director and officer of the company, is bound to produce salutory results. The power of inspection and the penalties provided for obstruction of such inspection is, to my mind, extremely desirable. I have already covered the subject mater of prohibited loans and investments.

Honourable senators, it is when I come to Part II of the bill, dealing with certificates of registry, that I am somewhat disturbed. Broadly speaking, Part II provides for the issuance of certificates of registry to those companies which are engaged in the business of investment and which fall within the category of companies covered by this legislation. The idea behind the issuance of certificates of registry by the Superintendent of Insurance, as I read it, is to pin, as it were, upon a company the badge of respectability, but in order to protect the superintendent he is given the authority to revoke such certificate for a period of time, to re-grant it with or without conditions, and generally speaking, because he is responsible for the badge of respectability so bestowed, he is in consequence given the authority to interfere seriously and effectively in the administration of the affairs of such companies that come under his jurisdiction.

A careful reading of the powers so given will indicate that the authority of the board of directors, of the officers and of the shareholders of a company, if they come within the category, are subordinated in some instances to that of the superintendent. I very much doubt whether Bill S-17, if passed in its present form, could have the legal and consequential result of superseding the corporate activities of companies as provided for by the Canada Corporations Act.

May I, honourable senators, give you two examples of the proposed powers to be conferred on the minister in charge, and through him of course on the Superintendent of Insurance. I quote section 10, subsection 2 of Part II of the act, which reads in part as follows:

The Minister may, at any time and in respect of any certificate of registry,

(a) reduce the term for which it was issued,

(b) impose any conditions or limitations relating to the carrying on of the business of investment that he considers appropriate, or

(c) vary, amend or revoke any condition or limitation to which it is then subject.

Note particularly, honourable senators, the expression:

impose any conditions or limitations relating to the carrying on of the business of investment that he considers appropriate.

Does this include the power to vary the bylaw of the company which vests authority in the officers and directors? And what is the position of creditors at a given moment who have lent money under the terms and conditions that may be reflected in an outstanding trust deed?

Honourable senators, I proceed now to quote from section 20 of Part II of the act, which reads as follows:

(1) The Superintendent shall annually submit to the Minister a report setting out, with respect to each registered company, particulars of the financial condition and affairs of the company at the end of its fiscal year that ended in the last completed calendar year.

(2) The Superintendent shall make in a report submitted by him under subsection (1) any corrections in any annual statement on which the report is based that he considers are necessary in order to reflect more accurately the financial condition and affairs of the company to which the statement relates, and may incorporate therein any notice to a company or person given by him under subsection (6) of section 5 and the reply thereto and any other information that he considers relevant to the financial condition and affairs of a company to which the report relates.

Subsection 3 of Section 20 states:

Where an investment is made or held by an investment company in violation of section 8, the Superintendent may reduce the assets of the company as shown in its annual statement by the whole or any part of the value of such investment, and the Superintendent shall prepare his annual report to the Minister in respect of such company on the basis of assets of the company as so reduced by him.

I draw attention to subsection 2 of Section 20 where the superintendent is authorized to make,

any corrections in any annual statement on which the report is based that he considers are necessary in order to reflect more accurately the financial condition and affairs of the company to which the statement relates—

By this time the company in question may have borrowed money, filed its income tax returns, and, if it is a public company or a company listed on the exchanges, it may have sent out its report to its shareholders. What is to be regarded as the true financial position of the company from the moment the superintendent sends in his report to the minister? Is the company under obligation immediately to revise its audited return? Are the auditors who have approved the accounts under obligation to revise their certificates given to the shareholders, whether they do or do not agree with the report so submitted by the superintendent to the minister? Do income tax returns have to be revised to conform to the report? Do the provisions of outstanding trust deeds, if any, supersede the view taken by the superintendent, or is the reverse true?

Honourable senators, I do not think that I am normally in the habit of allowing myself to expressions by way of purple patches, but I do foresee, if not chaos, a degree of uncertainty that will inevitably bring about considerable confusion and disorganization in the affairs of those companies engaged in the business of investment.

I incline tentatively to the view, although I am not too certain of this, that Certificates of Registry may be desirable in the case of companies dealing with those elements of the public who may require this type of protection, but once given should not cause interference in the normal operations of the company. If after the granting of such Certificate of Registry, the affairs of the company are carried on in such way as to reflect dishonesty or inefficiency leading to bankruptcy or insolvency, then in such event the Superintendent of Insurance, having inner access to the books of the company because of his rights of supervision of such companies under Part I

of the Act, should proceed to exercise the powers that are granted to him under Section 17 of Part II of the act dealing with the winding up of investment companies, whether under the Bankruptcy Act or under the Winding-Up Act, as the case may be. I well realize that the purpose of the present legislation is to provide for flexibility to give companies engaged in the investment business the opportunity to improve their position if they strike a difficult period. I should think that in this case the matter should be left in the hands of companies themselves and the creditors and shareholders whose interests are at stake. The right of the minister and the superintendent should be invoked only in cases where, because of special knowledge resulting from the right of inspection, the minister and the superintendent are of the view that there is dishonesty and fraudulent administration. In such event, the company should either be required to correct its administration or be wound up.

The issuance of Certificates of Registry will, moreover, put Government, the minister and the Superintendent of Insurance from time to time in the position where a company is enveloped in a cloak of respectability which, on occasion, it may not be entitled to have. Put differently, in the effort to reach the dishonest malefactor we may be unduly interfering with the normal and legal activity of those companies engaged in the investment business.

In any event, honourable senators, if my reactions on this review are not justified, I do not think I have done any harm in drawing attention to this section of the bill, and I again ask that the matter be carefully considered in committee. It is my view that, generally speaking, Part II should not be included in the bill, but that there should be retained only the pertinent sections which deal with the granting of the original certificates of registry in the first place and the right of the minister to cause the winding up of companies under circumstances provided for in the section to which I have already referred.

I now come to Part III of the bill, which is headed "General".

Under section 21, subsection 1, the superintendent is given the power to ascertain and certify the total amount of the expenditures for or in connection with the administration of this Act during the immediately preceding fiscal year, and the amount of the expenditures so ascertained and certified is final and conclusive for all purposes of this section. The superintendent is further given the authority to determine the income of investment companies. Such income is not necessarily that reflected in the returns of the company under the proposed Act, or under any other act, but may be determined by the superintendent from annual statements and any other information available to him. The superintendent is then to prepare an assessment against such investment company, the income of which was so certified in the amount that bears the same ratio to its income as so certified, as the amount of the expenditures incurred and so certified bears to the aggregate of the incomes of all investment companies, the incomes of which were so certified, and such assessment, when certified by the superintendent, is binding on the company against which it is made and is final and conclusive for all purposes of this section. Subsection 4 of section 21 provides that an amount assessed against an investment company, pursuant to subsections 3 and 5 of section 21, constitutes a debt due to Her Majesty payable upon the demand of the superintendent and recoverable, as such, in the Exchequer Court or in any other court of competent jurisdiction.

I must confess, honourable senators, that this section 21 somewhat unnerved me. Here is an authority given providing for finality as to an amount owing by a company without right of appeal. It is utterly impossible for any company coming under this section to anticipate the nature of its liability. It is not clear whether the assessment proposed is an expense against operations and deductible from its taxable income or whether it is a capital sum payable and appropriated out of surplus, if the company has any. I entertain, moreover, considerable doubt as to the desirability of taxing a particular group of companies for the administration of any particular act, even though that act applies only to that particular segment of the economy. On the assumption that this questionable principle might be accepted by honourable senators, surely some provision should be made for the right of a taxpayer to state his case in a court of law if this right should refer to the computation of the expenditures incurred in the administration of the act, to the determination of profits of the company assessed and, in any event, there should be clarification as already stated, as to whether the assessment is to be in the nature of a tax or an expense.

I now come to section 22 of the Act, Part III, which reads as follows:

> 22. The Governor in Council may make such regulations as he considers appropriate to secure the establishment and maintenance of a sound financial structure for investment companies and, without restricting the generality of the foregoing, may make regulations pertaining to levels of paid-up capital and surplus, ratios of outstanding debt to paid-up capital and surplus, liquidity of assets and maximum permissible single investments or loans of investment companies and prescribing rules for valuation of assets and liabilities and relating to audit procedures to be followed in respect of such companies.

This section is the one that has shocked and surprised me the most. Does this section mean that if the directors or officers of a company refuse to comply with the regulations formulated, the company might, for instance, be bound by such regulations to declare dividends out of surplus, even though it is not in the financial position so to do? Might it be obliged to increase or reduce its paid-up capital pursuant to such regulations? Might it be obliged to increase or decrease debt in order to provide for the ratios of outstanding debt to paid-up capital and surplus? Might it be obliged to dispose of or acquire certain types of assets in order to provide for the liquidity of assets and maximum permissible single investments or loans? Might it be obliged, pursuant to such regulations, to revalue assets and liabilities reflected in its balance sheet or in its books of accounts? If it is required to do all or any of those things provided for by the proposed regulations, what is technically the status of the company in relationship to its shareholders and to its creditors? What is the status of the directors and officers and what is their liability?

Hon. Mr. Martin: May I ask the honourable senator a question?

Hon. Mr. Phillips (Rigaud): Certainly.

Hon. Mr. Martin: He says that this is the section which disturbs him the most. Just for information, may I ask him if he has taken into consideration the qualification in section 22, namely, that the purpose is to secure the establishment and maintenance of a sound financial structure.

Hon. Mr. Phillips (Rigaud): The answer is that I have given consideration to that phrase, and it is a matter of opinion in financial terminology as to what is a sound financial structure. The opinion of one person, no matter how highly placed, may not be the opinion entertained by others or by the directors of a company, assuming that board of directors to be an honest board.

Honourable senators, to continue: What shall the auditors do in respect of the audited accounts to which they have previously affixed their signatures? What is the status of the company in law, having regard to any outstanding trust deeds or other contractual commitments? What are the obligations to file amended income tax returns? These are only a few of the problems that crowd in on my mind and they indeed frighten me. It may be that I have completely misread this section 22, and I await clarification, as I hope do other senators, when the matter is dealt with in committee.

Finally, I may add, my concern as evidenced by my observations is accentuated by the provisions of subsections 4 and 5 of section 3 of the act. These subsections read as follows:

> (4) Where any conflict exists between any provisions of this Act and any provision of the letters patent or any supplementary letters patent of an investment company, the provision of this Act prevails.
>
> (5) Where any conflict exists between any provision of this Act and any provision of an Act incorporating an investment company or any amendment to such Act, unless that Act or amending Act by specific reference to this Act provides to the contrary, the provision of this Act prevails.

It is for this reason, honourable senators, that I have drawn particular attention to the provision of this section. It will be noted that where there is conflict indicated therein, the provisions of this act prevail, and it is because I am concerned about the possible suspension in effect of the provisions of the Canada Corporations Act that I draw this to the attention of honourable senators.

Section 30 of the Act reads as follows:

> 30. Parts I and III shall come into force on a day to be fixed by proclamation and Part II shall come into force on a day, not sooner than two years after the coming into force of Parts I and III, to be fixed by proclamation.

It will be noted that Part II is to come into force on a day not sooner than two years after the coming into force of Parts I and III, to be fixed by proclamation. There is here, I think, a manifestation of instinctive caution on the part of the sponsors of this bill, realizing, as they no doubt do, that Part II may be covering too much ground. It is for this reason I suggest that we pass a compact bill which will reach the immediate objective of suppressing or attempting to suppress the dishonest and fraudulent activities that have come to light. This can be done by the retention of Part I of the bill, some sections of Part II and some sections of Part III, all, however, to be accompanied by appropriate amendments. After such compact bill is passed supplementary legislation could, if necessary, be introduced in due course, but such supplementary legislation will then be based upon the benefit of experience.

I am reminded of a story about Talleyrand, the famous French statesman. When acting as foreign minister he would give instructions to those whom he had designated as ambassadors to represent France in other countries. After listing their duties, he would end by saying—"Monsieurs, pour protéger nos intérêts—Jamais trop de zèle!"—"Gentlemen, in order to protect our interests, please not too much zeal!"

I close by again stating that I make these observations, and some criticisms, with diffidence, because I appreciate that this bill has been presented to this chamber in the hope that dishonest and fraudulent people may be caught in the net of public authority. I am all in favour of this attitude and of this desire. I should like to retain all these factors involving inspection and control and necessary sanctions reaching the offender, but I should like to eliminate all those sections which may create confusion and which may interfere with the normal business processes of the market place.

I assume, honourable senators, that when this bill reaches the committee, consideration will be given to existing provincial legislation where applicable, in order to see whether such legislation runs parallel to the provisions of this bill.

In conclusion, I assume that in committee stage, due consideration will be given to the requirements of the exchanges in respect of listed securities and to the regulations of provincial security commissions wherever applicable.

Hon. Mr. Molson: Would my honourable friend permit a question?

I would like to ask Senator Phillips if he is happy with the definition of "investment company" as contained in the bill, which refers back to "the business of investment." It would seem to me there is possibly some conflict between what is generally known as a finance company and an investment company. Would he care to express any opinion on that?

Hon. Mr. Phillips (Rigaud): Well, I have already covered the point that I regarded section 2 as too broad in its terminology. I do not think you were here, Senator Molson, when I referred to it and suggested that the investment companies to be covered by this bill should be only those that come to the public for funds and who have borrowed money on the security of their assets and have used more than 25 per cent of such assets for the purpose of buying equity stocks, or evidence of indebtedness in other companies. And I have indicated that the section, as presently drafted, could apply to industrial and commercial corporations who may find themselves now in the position that 25 per cent of their assets are set aside for investment purposes. These industrial and commercial companies should not come under this bill. If the definition were modified in the manner I have indicated, then I think we would be dealing with investment companies that are using funds for investment in other companies, and these might then popularly be categorized as finance companies properly coming under this act.

Hon. Mr. Molson: Thank you.

Hon. Gunnar S. Thorvaldson: Honourable senators, I propose to move the adjournment of this debate, but before doing so I would like to make one or two brief remarks.

My attitude to this bill is very similar to that of Senator Phillips. On the other hand, I am quite certain that we in the Senate, and in committee, can do a splendid job on this bill because basically it is necessary legislation.

However, I was a bit disturbed by some of the final words of the sponsor of the bill the other day, when he said:

> This bill, honourable senators, is of some urgency. It had been intended to present it at the last session.

Honourable senators, to my mind this bill is of enormous importance, and I think it is of greater importance than many of us re-

alized. For instance, the bill has to be adjusted to all the securities acts of the provinces and, unless a very fine adjustment is made, in many ways there will be no end of difficulty and trouble in the investment field in Canada.

I heartily agree with practically every criticism that has been made by Senator Phillips, but I do say that this bill must be seriously considered not only in Committee but it should also be debated at length, if necessary, in this chamber.

Senator Phillips made the remark a moment ago that he did not think this matter should be approached with too much zeal. I make this remark, that while cooking a dinner, let us not burn down the house.

On motion of Hon. Mr. Thorvaldson, debate adjourned.

PRIVATE BILL

CANADIAN ORDER OF FORESTERS—SECOND READING

Hon. T. D'Arcy Leonard moved the second reading of Bill S-18, respecting Canadian Order of Foresters.

He said: Honourable senators, this bill follows a precedent which has been set by the Senate in dealing with two bills affecting provincially incorporated life insurance companies. One was The Excelsior Life Insurance Company and the other was The Empire Life Insurance Company. Both of those companies were incorporated originally under the laws of the Province of Ontario. They desired to give up their provincial status and acquire federal status, and to do this it was necessary to obtain legislation both in the Province of Ontario and the Parliament of Canada. The Senate dealt with those two companies and has passed bills continuing them as federal companies, and the Province of Ontario has passed the enabling legislation respecting these two companies.

The only difference which I think I should call to your attention is that those two companies were share capital companies. In this case we are dealing with a fraternal benefit society. That makes no difference in law or in principle and, if anything, probably makes it a little easier from a practical standpoint to have the legislation passed through the Parliament of Canada.

The Canadian Order of Foresters, incorporated under the laws of the Province of Ontario in 1879, is almost 90 years old. It is a non-profit Canadian society, as I have mentioned, of the fraternal benefit type. It is a purely Canadian society. It has its head office in Brantford, Ontario, and it has subordinate courts in every province of Canada. At the present time there are more than 300 subordinate courts of this society, and its total membership is about 40,000.

As its membership and operations are Canada-wide, the society wishes to come under the jurisdiction of the Parliament of Canada. This can be done by incorporating a new society and selling the assets of the existing provincial society to the new federal society, but this would involve a great deal of administrative work and expense in transferring thousands of mortgages and policies from one society to the other, and in dealing with the investments of the society. Accordingly, the society decided to follow the precedent I have mentioned set by the Empire Life Insurance Company and the Excelsior Life Insurance Company, and apply for enabling legislation which, in effect, continues the provincially-incorporated society as a federally-incorporated society.

The wording of clause 1 of the bill is:

> The Society is hereby continued as a body corporate, under the name of Canadian Foresters Life Insurance Society, and, in French, Forestiers Canadiens, Société d'Assurance-Vie, and shall be deemed to be a society incorporated by Special Act of the Parliament of Canada.

Clause 2 invests the society with all the powers, privileges, and immunities, and makes it subject to all the liabilities and provisions set forth in the Canadian and British Insurance Companies Act respecting fraternal benefit societies.

Clause 3 continues the directors in office until the next ensuing election.

Clause 4 continues the head office in Brantford, Ontario.

Clause 5 prescribes the kinds of insurance the company may deal in. They are life insurance, personal accident insurance, and sickness insurance. These are the usual classes of insurance for fraternal benefit societies.

Clause 6 continues the regulation of the company under the provisions of the constitution of the society.

Clause 7 is a clause that we are always quick to make sure is present. It reads:

> All rights and interests of the members, policy-holders and creditors of the

Society in, to or against the property, rights and assets of the Society and all liens upon the property, rights and assets of the Society are unimpaired by this Act.

Clause 8 makes the Canadian and British Insurance Companies Act applicable to the society as if the society had been incorporated by special act of the Parliament of Canada.

This society has been registered under the federal act, as well as carrying on business as a provincial corporation. The provincial Legislature has passed an act authorizing it to apply to the Parliament of Canada for legislation to enable it to continue as a federally incorporated company, and that act provides that the provincial status will cease as and when this bill is passed and a certificate to that effect is sent to the Provincial Secretary. That provincial act was passed on April 11, 1968.

The Superintendent of Insurance, who is aware of this application, has expressed to me that it is in order. Of course, I intend to move that the bill be referred to the Standing Committee on Banking and Commerce if it receives approval in principle on second reading, and the Superintendent of Insurance and the officers of this society will be present in order to answer any questions with respect to its operations.

Hon. Mr. Grosart: Honourable senators, may I ask the honourable Senator Leonard a question? Have the members and policyholders of the society, as it now exists, been consulted about the intention to change the name and status of the society?

Hon. Mr. Leonard: I think in the case of a society such as this there is an identity of interest between the members and the policyholders, so the question really relates, I take it, to the members of the society.

Hon. Mr. Grosart: They are described as both.

Hon. Mr. Leonard: The provincial act stated that subject to authorization by special resolution the society may apply to the Parliament of Canada, and in the petition filed with Parliament the statement was made that the society had been authorized to make the application. I assume that the procedure of a resolution passed by the members of the society must necessarily have been followed. If there is any doubt, I am sure it will be resolved in committee.

Hon. Mr. Grosart: I wonder if the honourable sponsor of the bill would advise the officers of the corporation that that question might be asked. I have no objection to this, but it is quite possible that somebody might object when he understands that the traditions of the society are being changed.

I have spoken to this broad principle before when bills of this sort have been presented to us. The Senate should be informed as to the steps that have been taken in order to ascertain the attitude and, if necessary, the sanction of, in this case, the members and policyholders, and the shareholders and others who may have an interest.

Hon. Mr. Leonard: I think Senator Grosart's point is well made. I can only repeat what I said before, that the Ontario Legislature has passed an act with respect to the change of name, but that question can be very definitely answered by the officers of the society in the committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Leonard, bill referred to the Standing Committee on Banking and Commerce.

OMBUDSMAN COMMITTEE

MOTION FOR APPOINTMENT OF COMMITTEE—ORDER STANDS

On the Order:

Resuming the debate on the motion of the Honourable Senator Croll, seconded by the Honourable Senator Roebuck, that the Senate considers it desirable to establish at an early date a committee of the Senate to be known as the "Ombudsman Committee"—(Hon. Senator McDonald).

Hon. Mr. McDonald: Stand.

Hon. Mr. Thorvaldson: Honourable senators, may I ask if this item is going to remain on the Order Paper forever, or will it be proceeded with?

Hon. Mr. Croll: I do not know why the honourable senator asks that question. It is on the Order Paper. I have no control over it. I am going to make sure that it is debated and voted on by the Senate. That is all I can do.

Hon. Mr. Thorvaldson: The honourable senator asked why I ask this question. I intend to speak on this matter, and I want to do more work on it. I certainly do not want

to waste time on it, if it is not going to proceed. That is the reason I ask the question.

Hon. Mr. McDonald: I may say that this has been adjourned in my name for some considerable time. The reason I have held it is that I thought it was appropriate to dispose of the motion on poverty before we proceeded with the motion on the ombudsman. Now that we have disposed of the motion on poverty, I would think we will be proceeding with this item at an early date.

The Senate adjourned until Thursday, November 28, 1968, at 3 p.m.

THE SENATE

Thursday, November 28, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. A. Hamilton McDonald tabled:

Copies of a Communique issued following a meeting of the Ministers and Central Bank Governors of the Group of Ten held in Bonn, November 20 to 22, 1968, to discuss International Finance, together with copies of a statement thereon made in the House of Commons by the Minister of Finance. (English and French texts).

Order in Council P.C. 1968-1994, dated October 24, 1968, authorizing, under section 21 of the Export Credits Insurance Act, a contract of insurance by the Export Credits Insurance Corporation for the sale by The de Havilland Aircraft of Canada, Limited, of 12 "Buffalo" aircraft, equipment, tools, supplies and services to Ministerio de Aeronautica—Brasil, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English and French texts).

Order in Council P.C. 1968-1995, dated October 24, 1968, authorizing, under section 21A of the Export Credits Insurance Act, long-term financing by the Export Credits Insurance Corporation for the purchase of goods through, and of procurement, engineering, construction, technical and similar services from, Montreal Engineering Company, Limited, for export to Compania Boliviana de Energia Electrica, S.A.—Bolivian Power Company Limited, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English and French texts).

Report of the Superintendent of Insurance for Canada, Volume II, Annual Statements of Fire and Casualty Insurance Companies and of Accident and Sickness Insurance transacted by Life Insurance Companies in Canada for the year ended December 31, 1967, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

Hon. A. Hamilton McDonald presented Bill S-20, to amend the Copyright Act.

Bill read first time.

Hon. Mr. McDonald moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading at the next sitting.

Motion agreed to.

CANADA EVIDENCE ACT, TRANSCOASTAL LIFE ASSURANCE COMPANY BILL

AUTHORITY TO PRINT

Hon. Maurice Lamontagne, for Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill S-3, to amend the Canada Evidence Act, and Bill S-16, to incorporate Transcoastal Life Assurance Company:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Lamontagne: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

TRANSCOASTAL LIFE ASSURANCE COMPANY—REPORT OF COMMITTEE

Hon. Mr. Lamontagne, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-16, to incorporate Transcoastal Life Assurance Company, and had directed that the bill be reported without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Lamontagne: Honourable senators, with leave of the Senate, I move that this bill be read the third time now.

Motion agreed to and bill read third time and passed.

CANADA EVIDENCE ACT—REPORT OF COMMITTEE

Hon. Mr. Lamontagne, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-3, to amend the Canada Evidence Act, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Cook moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

RULES OF THE SENATE

FOURTH REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Hartland de M. Molson: Honourable senators, I have the honour to present the fourth report of the Special Committee on the Rules of the Senate.

The Clerk Assistant: The Special Committee on the Rules of the Senate makes its fourth report as follows—

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Molson moved that the report be taken into consideration on Tuesday, December 10.

He said: Honourable senators, in submitting this fourth and I hope final report, it is felt that some explanation as to its form and contents may be desired. I would therefore ask leave of the Senate to make a few remarks in this connection.

Hon. Senators: Agreed.

Hon. Mr. Molson: As I stated a short time ago in this chamber, your committee was aware that the task allotted to it was to recommend changes which would streamline the performance of the Senate so as to give it a modern approach in keeping with the times in which we live. For this purpose it was instructed to examine the rules and to recommend any changes considered either necessary or desirable.

In its study, the committee sought out the background or basis for its rules, which, of course, is to be found in the British North America Act 1867, and many other statutes which are listed as an appendix to the report.

Many rules were obsolete and required considerable revision. I would propose at a later time, with your permission, to deal with the matter of our recommendations to repeal some rules, amend many others and add a small number of new ones. At the moment I would like to call your attention to the conclusion of the committee, that in modernizing the rules it is impossible to so change the role of the Senate as to help it assume its full share of the legislative load and the tasks for which it is best suited, because of the limitations imposed on the Senate by the Constitution or by statute.

In considering its report, therefore, your committee felt that its responsibility should include both the task of recommending modernized rules and its observations of other factors which prevent the Senate from accomplishing the purpose which we believe the Leader of the Government, and the Leader of the Opposition, and the majority of senators contemplate as the proper contribution of this chamber to the country.

This procedure is consistent with parliamentary practice and is given authority by the following quotation from *May's Parliamentary Practice*, Seventeenth Edition, which reads as follows:

> Special reports.—Besides the report properly so called relating to the subject-matter referred to the committee, it is frequently necessary for a committee to make what is termed a special report in reference to some matter incidentally arising relating to the powers, functions or proceedings of the committee. Such reports are similar in point of form to, and are proceeded upon in the same manner as, the principal report of the committee.

In consequence, the rules now recommended to the Senate are set forth in a schedule to the report showing clearly which should be repealed, the amendments proposed for others, and the new rules considered to be desirable.

I would propose, given the approval of honourable senators, that when the report comes up for consideration I would make a motion recommending the adoption of the rules as set forth in the schedule, so that the

rules as amended or adopted by the chamber could become effective with little or no unnecessary delay. Only following this stage would I move the adoption of the remainder of the report, because I believe there may be considerable discussion on the other matters referred to, and your committee realizes that there may be many different points of view on some of the observations or suggestions that are made. It will then be for the Senate to decide which, if any, parts of the report it wishes to adopt.

In this context it should be said that considerable stress has been laid on the importance of the impartiality and independence of the Senate. It is not suggested by your committee that the Senate should be displaced from the political stream. It is fully aware of the absolute necessity of the party system for our form of democratic government in Canada. However, it is also conscious that the Upper Chamber is thought to be obsolete by some, redundant by others, and sometimes spoken of as a "rubber stamp", or "a cosy refuge for party favourites" or in other terms of a disparaging nature. No matter how inaccurate or undeserved such reprobation may be, the underlying thought is that a reputation for impartiality and independence would go some distance towards convincing the nation that the Senate acted only with no consideration other than the common good.

The report contains a table showing the percentage of government bills initiated in the Senate, and points out from the figures that the Senate can carry a substantial measure of government legislation, but only when the government of the day so decides. I might emphasize that were it not for the practice of initiating all so-called money bills in the Commons, it would have been clear that the Senate had recently assumed a very substantial part of the remaining legislative load.

Attention is drawn to the fact that all private bills should be introduced in the Senate, which is the logical house for this purpose, as well as making a further contribution to sharing the ever-growing pressure on Parliament. The question of "money bills", a subject of discussion over centuries of parliamentary practice, is raised because it may be time to differentiate between a bill appropriating public funds or a bill imposing taxation, from one with a completely different purpose which may have as a consequence the provision of a salary or some expense only incidental to its main purpose.

The desirability of obtaining only the highest qualities of statesmanship, wisdom and experience from all walks of life for the Senate, as well as the often expressed concern that parties may become too unbalanced in the chamber, has caused comment on the method of appointment.

Recommendations are made that the Committee of the Whole be used more frequently by the Senate, and that select committees considering some important legislation make use of the Senate chamber for their sittings, in order that the public may be more easily aware of the progress of legislation. As you will remember from the third report, rules have been revised to encourage both the public and non-member senators to attend committee meetings.

These are some of the highlights of the report which points out that after 100 years of experience there is now not only some reason but there is an absolute necessity for change in the Senate, with a recommendation which, if thought well of, would enable the Senate to go into a study in depth of the constitutional or statutory changes which would be required to enable the Senate to fulfil its responsibilities in the latter part of the twentieth century.

Honourable senators, in the report I expressed my personal debt to the members of the committee and to our staff. However, I believe that the committee would not feel that I had fulfilled my responsibility if I did not now say a few words on this subject.

On behalf of the committee, I wish to express our appreciation for the co-operation of the Clerk of the Senate and the Assistant Clerk; to our legal counsel, Mr. Dehler, for his competence and assistance; to the staff of *Hansard* and the Queen's Printer; and to the members of the staff of the Senate: the Law Clerk, Mr. Hopkins; the Chief Clerk of Committees, Mr. Batt; and the Clerk of our committee, Mr. Jackson, for their constant attendance and untiring zeal in their work, sometimes day and night, on our behalf, and this should include their office staffs for the cheerful assumption of their heavy workload. May I say that the Senate is fortunate indeed to be so well served by this small body of dedicated people.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly (Ottawa West): Honourable senators, may I ask the honourable senator if it is his intention to move that the report be printed in the proceedings today?

Hon. Mr. Molson: Honourable senators, I have a motion to make to that effect when we come to Motions.

Motion agreed to.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1968

AUTHORITY TO PRINT

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, presented the following report of the committee on Bill C-124, to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of Certain securities to be issued by the Canadian National Railway Company and by Air Canada:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, reported that the committee had considered Bill C-124, to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company and by Air Canada, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Denis moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

RULES OF THE SENATE

MOTION TO PRINT FOURTH REPORT OF SPECIAL COMMITTEE AS APPENDIX

Hon. Hartland De M. Molson: Honourable senators, with leave of the Senate, I move that the Fourth Report of the Special Committee of the Senate on Rules of the Senate, presented today, be printed as an appendix to the *Debates of the Senate* and the *Minutes of the Proceedings of the Senate of Canada* of this day and form part of the permanent record of this house.

Motion agreed to.

For text of report, see Appendix, pp. 652-95.

ADJOURNMENT

Hon. A. Hamilton McDonald: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until tomorrow, Friday, November 29, 1968, at 11 o'clock in the morning.

Honourable senators, perhaps a word of explanation would be appropriate at this time. Normally, we would have given Royal Assent to certain legislation today, but as the House of Commons is not sitting it means we must come back tomorrow morning to give Royal Assent. I would hope that we would have completed our work not later than one o'clock tomorrow afternoon.

Hon. L. P. Beaubien: Honourable senators, it seems to me that we should try to arrange our sittings in such a way as to accommodate the greatest number of senators, always providing, of course, that we are prepared to sit six days a week if the workload warrants it. Taking this week, for instance we did not sit yesterday, we are sitting today, and tomorrow we have to come back and we lose that day simply to have Royal Assent in the forenoon. We could have sat for an hour yesterday around six o'clock and had Royal Assent then.

We do not seem to be thinking these things out very well. We could have arranged with the House of Commons, if they were not to sit today, that they would have come at six o'clock yesterday and we could have had Royal Assent then.

We may have a very long session, and I do not see why we should lose a day's attendance simply because Royal Assent is arranged for one o'clock tomorrow.

Hon. Mr. McDonald: Honourable senators, I can appreciate the senator's concern and to some extent I agree with him. This is the first time, at least since I came to the Senate, that the House of Commons has found it necessary to adjourn its sittings in order to make provision for its committees to sit all day. I am not sure whether or not they have taken a leaf out of our book, but you will recall that on two occasions recently we did not sit on Wednesday in order to accommodate our committees. From what I read in the newspapers and have learned firsthand from the other place, it seems to me that they are experiencing similar difficulties to ours, in that the committee work is piling up and more time has to be devoted to committees than was given in the past.

It would not have been possible for us to have given Royal Assent yesterday, as our committee passed only this morning the bill to which we will be giving Royal Assent tomorrow. Despite that, I think the honourable senator's observations are well founded. I would hope that, as we gain a little more experience with the position in which we now find ourselves, that is, that the committees are taking more time, both in this house and in the other place, we will be able to work out arrangements which will be more satisfactory and which will meet the wishes of the majority of honourable senators on both sides of the house.

Hon. Jacques Flynn: Honourable senators, would the Acting Leader indicate at this time what is likely to be the program for next week? I understand we are coming back tomorrow merely to be in a position to give Royal Assent to certain bills, especially to the C.N.R. Financing and Guarantee Act. It may be that the C.N.R. officials would like this bill to be given Royal Assent as soon as possible. I was not convinced this morning in the committee that it would not be the same for them if Royal Assent were given only in ten days' time. However, in view of the indication of their preference to have Royal Assent early, I do not think we can refuse it. This problem is tied in with the program for next week, and I would very much appreciate the Acting Leader giving us some indication of the program.

Hon. Mr. McDonald: Honourable senators, I am not in a position to give a resumé of the work which will be before us next week, but I certainly will be able to do so tomorrow.

I was present at the committee meeting this morning and heard the honourable senator's remarks in regard to the C.N.R. Financing and Guarantee Act, and the reply of the officials of the railway. I must confess I had similar feelings to those of the Leader of the Opposition, that the officials seemed to be in a great hurry to get this through in a few days' time. However, I am not qualified to comment further.

I would hope that the honourable senator's comments of this morning would have the desired result, and perhaps this should not happen on future occasions. I will be able tomorrow to outline the work which we will expect to have before us next week.

Hon. Mr. Connolly (Ottawa West): I understand that the Senate will not be sitting next week.

Hon. Mr. Flynn: That is what we will hear tomorrow.

Hon. Mr. Connolly (Ottawa West): It is a question of what the work will be for the week after that.

Hon. Mr. McDonald: I am sorry, I took it the honourable senator was referring to the following week. I hope that we will adjourn tomorrow until December 9th or 10th.

Some Hon. Senators: December 9?

Hon. Mr. McDonald: I would not commit myself as to whether it is the 9th or the 10th: it is one day or the other.

Hon. Mr. Flynn: It is not unlikely that much legislation will come from the other place, during the next two weeks, if my assessment and information are correct.

Hon. David Walker: Honourable senators, it may be that my friend Senator Molson, in his report, has made recommendations which already are being invoked, for we have now an Acting Leader of the Senate who has risen very rapidly to this position. Because of his efficiency, under all the circumstances, and assisted as he is by Senator Langlois as deputy leader, it may be that they have decided to carry on next week.

Hon. Mr. McDonald: I can assure the house that if there is work to be attended to we will be sitting next week, but I do not think that is the case.

Motion agreed to.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CANADIAN PARTICIPATION AT GENERAL CONFERENCE IN NASSAU—DEBATE ADJOURNED

On the Inquiry of Hon. Mr. Connolly (Ottawa West):

> That he will call the attention of the Senate to the 14th General Conference of the Commonwealth Parliamentary Association, held at Nassau, Bahamas, from 26th October to 8th November, 1968, and the participation therein of the delegation from Canada.

He said: Honourable senators, this afternoon I should like to make some remarks regarding the 14th General Meeting of the Commonwealth Parliamentary Association, held recently in Nassau. In the first place, I should say I was not a member of the Canadian delegation but I attended the meeting as a member of the executive committee of the association. I was elected a year ago in Uganda, for the Canadian region.

I was indeed proud of the performance of the Canadians at that meeting. They participated in every one of the debates; both the federal spokesmen and the provincial spokesmen were very active; they had good briefings. There was particularly good leadership from Mr. James Walker of the other place, and all of them, whether federal or provincial, and regardless of their political affiliations, spoke as Canadians and spoke to the problems. I was particularly pleased to be associated with two eminent gentlemen of this chamber, Senator Blois and Senator Hastings.

I should like briefly to acknowledge, although this will be done by members of the delegation more fully, the facilities which were provided in Nassau for this occasion and the kindness and hospitality shown to us by the Government and by all of the people who had anything to do with the meeting. The Governor, Sir Francis Cumming Bruce, at one time was stationed here in Ottawa. He was not only a gracious host but made an outstanding contribution in a speech in the House of Assembly. The Premier, the Honourable L. O. Pindling, could not have done more to promote the successful work that was carried out at this meeting. And I should couple with his name the name of the Leader of the Opposition, Sir Ronald Symonette, who perhaps we all remember as having been here at the meeting in Ottawa a few years ago. Again, of course, the staff of the C.P.A. from Britain headed by Mr. Robin Vanderfelt was, as usual, so efficient that the meeting could not help but be properly conducted.

Honourable senators, parliamentarians are engaged in the work of a multiplicity of international organizations—particularly parliamentarians in this house. We send our members to the United Nations, to NATO meetings, to I.P.U. meetings, to Canada-U.S. committee meetings and to the Commonwealth Parliamentary Association meetings. All of this work, I submit, is important because today no country can live in a vacuum. No country can practise isolation. All countries of the world must recognize their interdependence.

I think no one would dispute this statement in respect of the efforts made at the United Nations on behalf of collective security in the world. No one would dispute this statement in respect of the work done by the North Atlantic Treaty Organization. What NATO has meant to the security of Western civilization is evident. When you think of NATO you can indeed ask yourself what single nation today could defend itself alone.

I think the recognition of interdependence between countries is also true of the work done by the committee on Canada-U.S. relations. I do not think one can overstate the value of the intimate contact we must have with parliamentarians from the Congress of the people who live to our south. Without being political, I am sure I can well quote what was said by the Minister of Finance in New York at the International Foreign Trade Council just a few days ago to the effect that we will go forward in trade policies in direct proportion to the political will and the effectiveness of the leadership by the United States.

Honourable senators, those of you who have served on the Canada-U.S. committee realize how important that statement is and how essential it is that our parliamentarians should combine with parliamentarians from the Congress from the United States in promoting this very laudable objective.

What then of the Commonwealth? And it is of the Commonwealth that I would speak primarily this afternoon. The time has come for us in this house to assess what it means. I make no apology really for doing this, because I noticed the other day that Sir Saville Garner, whom many of us know, is to give a course of lectures at the University of Ottawa as well as two public lectures particularly on the Commonwealth itself—where it is going and what it should be doing.

If we are to make a reassessment of the Commonwealth and to know just what we should do in respect of it, we should know the facts. What are they? Well, first, demographically, the Commonwealth consists of some 780 million people. That is about 25 per cent of the people who live on the face of the earth. They live on every continent and in every climate. They represent almost every religion, every culture and every language. There are some 27 countries. Some of them are old; some of them are new. Some of them are developed; some of them are undeveloped. Some of them are poor; some of them are rich. Some of them are overcrowded; some of them are underpopulated. They are diversified almost beyond description and yet they are a unit. Whence, then, is the source of this unity? To this queston there are a number of answers.

The first, I think, is the existence of the monarchy. The Queen is the head of the Commonwealth, not as the Queen of England but as the head of the Commonwealth, and is so consecrated and so crowned. She is not an absolute ruler but a constitutional monarch in some states. She is a reigning, not a ruling monarch. In other states of the Commonwealth she is not even a monarch at all. Appropriately enough, the monarchy is a family symbol at the head of a family of nations. As such it is a salutary symbol. The monarch is subject to the advice of her governments, but she is neither tarnished by their deficiencies nor credited with their accomplishments. The Monarchy, a continuing symbol of authority in the Commonwealth, is supported only by popular sanction.

The second bond of unity is that comprised in the common parliamentary institutions to which we subscribe. None of these institutions is a slavish imitation either of Westminster or of other institutions in the Commonwealth parliaments. Westminster itself and its like institutions are evolving. There is a wide diversity of establishment in the various countries. Some countries, such as New Zealand, have a unicameral system of government, but most have a bicameral system of government like all of the great democracies of the West. But there are some commonwealth countries in which some of the features of a congressional system exist. This is particularly true in Pakistan. Politically, there is no uniformity. In some countries there is a single party; in other countries there are two parties. In some countries, as in our own, there are many parties, while in other countries there are no parties—there are military regimes, which we hope are temporary. Within all 27 countries of the commonwealth the parliamentary institutions are changing, developing and adjusting, and I think it is fair to say that they are ever seeking better democratic methods for the governance of their peoples. They suspend them at times, and they restore the democratic methods at other times.

Certainly some of these countries are more ready for democratic procedures than are others. Some are going through agonizing adjustments and readjustments, because in fact they are so new.

The third feature of the commonwealth that I think is of essential importance is the concept of the independence of the judiciary. This concept is basic to the prevalence of justice, both for the protection of human rights and to settle property disputes. The concept is as ancient as history itself, as ancient as human society. Without it there is disorder and distrust. Law and order were talked about a great deal in the national election in the United States just a few weeks ago. Law and order is important in a country, but the concept of justice must be coupled with it. That is the concept which is involved in the commonwealth people's understanding of the independence of the judiciary. The concept of the institution must be fortified and must be dignified.

Another bond within the commonwealth is the understanding of a common language, the language of Chaucer, and Bacon, of Milton, of Shakespeare, of Dickens, Shelley, Dryden, Scott and Burns. But it is not only English that is spoken in the Commonwealth. In many parts other tongues are officially recognized and in some cases not officially recognized. We have, for example, in some of the countries the languages of the ancient and inscrutable East. In others of the western parts of the commonwealth we have the languages with the polished phrases and the deep thought of the Gaul, the Gael and the Greek. Here indeed is a richness in diversity, in diversity of expression, in diversity of philosophy of life, a diversity of belief. All this is a commonwealth asset which can be used to promote the comity of nations. It has links and ties and contacts in every part of the world, and who indeed knows when the commonwealth, as a unit, may feel called upon by one of its members to intervene in a crisis, a world crisis, perhaps, if not a commonwealth crisis, when the intervention by another commonwealth country might indeed be disastrous. Finally, there is the anomaly of anomalies, it is *de facto* equality of status of

almost every unit, whether rich or poor, big or small. The evolution of this status of independence was not uniform. Honourable senators will remember the situation with respect to the older dominions. The watershed was the Imperial Conference of 1926 and the Statute of Westminster in 1931 in which it was declared that members of the Commonwealth were "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations."

That declaration and that statute both constituted a huge step forward. They were born of the diversity of the members of the Commonwealth. They were nurtured by a sense of self-sufficiency in the various countries. They were inspired by the workings of the democratic process, and the result constituted a new form of community in the international scene. The value of that step to Canada as Canada approached World War II was incalculable. The effort which emerged from this country in that war, primarily because of that step, perhaps, was an effort that was truly Canadian and of which Canadians were deeply and justifiably proud.

Since the war a whole new multitude of sovereign states has come into being in the Commonwealth. Most of them in fact are more autonomous than we are ourselves, because most of them do not have to go to Britain for amendments to their Constitution. I quickly add that of course that is not the fault of the British. It is the fault of ourselves because we cannot agree on a formula. In due time that will be rectified.

Most of these new nations are in the tropics. Most of these people are the basic peoples of human history, and indeed of pre-history. Many of them have cultures and social structures thousands of years older than our own in the west. Most of them are shut off from the ways and the wealth and, indeed, the weariness of the west. Their peoples live out their lives in the fateful serenity of their fathers before them for generations. Many of them question the value of change. But change has come to them. Awareness of the better things was thrust upon them by events, by communications and by a contracting world. To cope with these changes within the new Commonwealth is certainly now a Commonwealth challenge. Perhaps it would not be inappropriate to say that this great challenge is one of the foundations for the existing and continuing unity of the Commonwealth. To assist many of these nations to cope is the challenge of the developed parts of the Commonwealth. But it is also a challenge that faces developing parts of the Commonwealth to assist each other. Nigeria, for example, is a case in point. Everybody wants to help Nigeria. But what country in the Commonwealth could be most effective? And Nigeria may not be the last instance in which we will be faced with trouble. I personally was deeply disappointed a few years ago when it was necessary for two Commonwealth countries, India and Pakistan, to go to Tashkent—to the Russians—as an intermediary for the solution of a problem between them. As I say, these were two Commonwealth countries. But one does console oneself with the fact that these are eastern peoples and perhaps they did feel that an eastern mind could understand their problem better than a western mind.

We should remind ourselves also that in the Commonwealth there is no central legislative or administrative authority. There is no supergovernment. There is no set foreign policy. There is no unified defence establishment. There are periodic meetings of prime ministers to review common problems. There are periodic meetings of special ministers for the review of special areas of concern. We have the Commonwealth Secretariat to carry out the programs and policies assigned to it by the prime ministers. And we have the Commonwealth Parliamentary Association, a forum which enables Commonwealth legislators to consult, to debate and to inform themselves and their legislatures on matters of interest to the Commonwealth.

The Commonwealth today is not run from 11 Downing Street. We should remember also that once complete independence is granted, even to a small country, the United Kingdom's juridical, legal and constitutional responsibilities have virtually ended. Perhaps there are moral factors; perhaps there are historic practices which temper this. But when there is equality of status between Commonwealth countries, concern for the welfare of any one of these countries becomes diffused among all of them. And if the more powerful of the Commonwealth countries have this duty, so have the smaller units, even if their help cannot be as great as the help given by the more powerful elements in the community.

I think we might with value contrast the position which exists within the Commonwealth now, with that which existed in the

thirties. At that time the association was known as the empire. But we did not get rid of the concept of empire and accept the idea of equality of status very quickly despite the 1926 meeting and the 1931 statute. The old association looked to the development of each other through trade and a system of preferences. Some of these preferences still survive, and, indeed, some are essential. I think particularly of the importance of these preferences for the economy, for example, of New Zealand. But today the whole trade atmosphere is changed, and who would say today that the road to trade, better trade, greater trade, and to greater prosperity lies within the ambit of trade preferences and trading within the Commonwealth.

Throughout the world the talk is of wider markets, the widest possible markets. We have regional trading agreements. Some, like the European Economic Community, cut across commonwealth boundaries.

It is unrealistic to attempt to restore the old approaches. The prime fact of the matter is that although independence has been in existence for many of those countries now for two decades, the commonwealth, as newly conceived, is in a period of transition. To give some examples—the United Kingdom is reducing its defence commitments, either immediately or in the foreseeable future, in certain parts. It is leaving Singapore. I have visited Singapore and the base there. Its leaving there ultimately is creating a strategic problem in the far east. I know it will create an employment problem in Singapore. I, too, have seen the great harbour at Valetta, on the Island of Malta. Britain is withdrawing largely from the refurbishing of ships there, although there has been some accommodation. But what accommodation is to be made in these cases as a result of the independence that these states acquire.

The days of empire are gone and with them the responsibility and the demands upon a former mother country. But the dependence of people in some of these new countries on the old establishment cannot but create hardships for them and I am sure heartache for those who manage the affairs of Britain.

The new countries are not all self-sufficient. Few, if any, could defend their own borders. Some lack resources, some lack skills and know-how, some lack facilities for training. All of them need capital, all need infrastructure to begin modernization. Most of them are overpopulated. Many of their peoples are underfed. Yet though they can grow almost anything, in many areas their agriculture is in decline. "Encourage agriculture," you say. "Make it an industry like we have made western agriculture an industry in this country." Suppose you do that with some of those countries, what about the commodity prices that these products will command on the world market? Some developed countries, with agricultural problems of their own, like this one, will not or cannot expose their markets to the products of some of these developing countries. What I say of agricultural products applies equally to their early manufactures.

It may be a little beyond the context of the Commonwealth to say this, but the solution of these tremendous problems, these overwhelming problems, may have to come from three countries, mainly. They are the United States, the United Kingdom and Canada.

Honourable senators, the picture is not pleasant and the gap between the developed and the developing countries is widening every day. By the year 2000 the prospect of a drastic food shortage in the world is more than a vague conjecture.

What is to be done, for example, in the area of commonwealth defence? We may not be naked to our enemies, but certainly they do not stand in awe of our armed might. We contemplate a power play which can threaten many parts of the Commonwealth. That power play results from the jockeying of big powers for position in the far east, in the middle east, in the Mediterranean, in northwest Europe. Some of the Commonwealth countries are cajoled, some of them are threatened, by ideologies foreign to Commonwealth ideals.

At this point, I would like to quote briefly what U Thant had to say in a recent statement:

> There has been a serious decline in the standards of international ethics and morality. If this trend is not reversed, and if the principle of non-intervention in the free destiny of nations is not re-established, the future of international peace and security itself is indeed a very dark one.

Hon. Mr. Burchill: Where is that quotation from?

Hon. Mr. Connolly (Ottawa West): That is a quotation from a recent statement of U Thant, Secretary General of the United Nations.

Both within and without the commonwealth there is another problem which raises its ugly

head. That problem is racism. Mr. Pindling, at the opening meeting in Nassau, said that it perhaps was the most frightening of all the problems which exist in the world today.

There exists a suspicion of white men's motives among the coloured men. Some of this is based on history. Some of it, indeed, is based on existing policies in many parts of the world.

The intrinsic dignity and the importance of the individual has not been the basic premise for the governments of people in many parts of the so-called enlightened commonwealth. The coloured man has suffered and he continues to suffer. Change must come. Change will come. Perhaps it will come by black power or yellow power or red power. For my part, I hope it will come by persuasion from the convinced. Justice must not only be done but must be seen to be done, and justice will not be done overnight.

There will be and there is a need for restraint, for patience, for prudence, and these virtues must prevail over excessive and inflamatory demands. These demands do not all come from the underdeveloped parts of the world. Some come from developed countries. The so-called enlightened countries should practice those virtues.

Honourable senators, I am confident that the commonwealth can show the way, if these common ideals and these approaches of the commonwealth are adopted even within the commonwealth itself. If we do that, in the words of the hymn which was popularized by the late Martin Luther King, "We shall overcome."

Peace and social justice are basic to development. Revolution will only spread the chaos so ardently desired by Communism. The developed countries of the world must provide massive help, must provide, indeed, heroic help to the underdeveloped countries. And, indirectly, defence is one form of help, although we do not count it when we assess the value of our foreign aid budgets. But when we contribute to defence, to security, to peace, we are not only helping ourselves but we are also helping to try to establish conditions under which development can occur not only in the third world but in the developed world.

In the past 10 years some $40 million has been poured out in public funds for aid to the third world, and some $20 million from private sources. Yet the gap grows daily.

The Marshall Plan taught the world what investment in development abroad can do. But the Marshall Plan had a basis to work on in northern Europe devastated by a war, because there were in those countries skills and know-how and education—trained people. But in the third world the base must be built and we are only starting.

Sometimes the economic, social, the political and military difficulties of the domestic scene, like those in Canada, are obstacles to more help for underdeveloped peoples. These obstacles we must overcome. The mote in our own eye we must cast out. For this we will need will—strong will and goodwill. Within the Commonwealth, if we show the way, the world as well as the Commonwealth will benefit both materially and spiritually, and "We shall overcome."

On motion of Hon. Mr. Haig, for Hon. Mr. Blois, debate adjourned.

NAVIGABLE WATERS PROTECTION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Charles McElman moved the second reading of Bill S-19, to amend the Navigable Waters Protection Act.

He said: Honourable senators, the amendments proposed to this bill are for the most part a tidying up of the existing legislation and do not include any major proposals for change of either policy or principle.

The Navigable Waters Protection Act, as its title implies, provides authority for protection of the navigable waters for navigation and shipping. The existing legislation is divided into three parts. Part I, encompassing sections 2 to 11 inclusive, seeks to control the construction, repair or alteration of any work. "Work" includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure, tunnel or pipe, and so on, to be found in, upon, over, under, through or across any navigable water.

Until October 1, 1966, Part I of this act was administered by the Minister of Public Works, the authority under which many of the works—wharves, tunnels, and so on—that are subject to this act were constructed. Yet, the Department of Transport through its Marine Services Division had responsibility for navigation and shipping. It became the consensus of opinion that the Department of Transport was the more logical body to approve or disapprove such works in relation to protection of navigable waters for navigation and shipping. Consequently, on October

1, 1966, by an order of the Governor in Council, responsibility for the administration of Part I of the act was conveyed from the Minister of Public Works to the Minister of Transport.

The amendments being proposed in this bill to Part I of the act provide for conveyance of this administrative responsibility.

Other amendments to Part I include the insertion of a new definition of the words "navigable water" to cover canals and other bodies of water such as those artificially created through the construction of water storage facilities and hydro electric generating facilities.

Also, there is an inclusion of the dumping of fill or the excavation of materials from the bed of a navigable water within the definition of the word "work" in this act. This latter inclusion is designed to overcome existing problems such as those experienced through the dumping of fill in Lake Ontario near Port Credit, which presently cannot be controlled by the existing provisions.

Provisions will also be made for a time limit, following ministerial approval, for construction of any work, and this will prevent what has sometimes happened in the past, namely, long time-lags in approved construction of works which, if unduly delayed, could become no longer desirable owing to changing circumstances.

Clauses 4, 5 and 7 of the bill, if approved, will strengthen the hand of the minister in ordering and enforcing the removal or alteration of a work. They will provide penalties for non-compliance with such an order, and will provide for introduction of a scale of fees in applications for approval of works related to navigable waters. But these fees will apply only where exceptional supervision or inspection may be required in connection with any such work.

Part II of the existing legislation, sections 12 to 29 inclusive, deals with protection against obstructions to navigation created by moored, wrecked, derelict or abandoned vessels, and against obstructions created by unlawful dumping of material in navigable waters of minimum depths. There is currently no effective provision for removal of floating vessels which are permanently moored in such a manner as to create a hazard to navigation or shipping. A case in point is the vessel *Inch Arran* presently moored, afloat, at Kingston, Ontario.

The proposed amendments would enable the minister to more effectively overcome such problems, as they may arise, and would provide more realistic and, hopefully, effective penalties in case of breach of the provisions of Part II of the act.

It is also proposed that the minimum depth of navigable water in which material may be dumped should be increased from 12 fathoms to 20 fathoms to allow adequate clearance for the larger bulk carriers now in use.

It is further proposed to remove the current distinction between tidal and non-tidal waters in section 19. Current provisions of this section guard only against the dumping of material in navigable tidal waters.

Section 23 of the act should be repealed. The harbours at Quebec City and Montreal are now under the jurisdiction of the National Harbours Board, and the Department of Transport recognizes that in these harbours it has an obligation to remove wrecked vessels.

Section 24 and 25 of the act are proposed for amendment in order that the National Harbours Board and the St. Lawrence Seaway Authority may not be affected by the prohibitions against dumping materials in navigable waters under their jurisdiction.

Part III, sections 30 to 32 inclusive, of the existing legislation, deals with protections against ferry cables and swing or draw bridges.

The only amendment proposed in part III is to provide for more realistic penalties for violation of these sections of the act.

Honourable senators, I am sure that questions of detail will arise concerning certain of the proposed amendments contained in this bill. I will therefore propose that prior to third reading the bill be referred to the Standing Committee on Transport and Communications.

On motion of Hon. Mr. Macdonald, debate adjourned.

INVESTMENT COMPANIES BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming the debate on the motion of the Honourable Senator Desruisseaux, seconded by the Honourable Senator Sparrow, for second reading of the Bill S-17, intituled: 'An Act respecting Investment Companies'.—*Honourable Senator Thorvaldson*).

Hon. Gunnar S. Thorvaldson: Honourable senators, in asking to have this order stand I will laso ask that I be allowed to adjourn it

on behalf of Senator Hayden instead of myself. The reason for this is that I may not be able to be present for the first few days when the session resumes, but Senator Hayden will be ready to speak to this order at that time.

The Hon. the Speaker: Is it agreed that Order No. 2 stand until the next sitting under the name of Honourable Senator Hayden.

Hon. Senators: Agreed.

Order stands.

BRITISH NORTH AMERICA ACT

INITIATION OF LEGISLATION IN THE SENATE—DEBATE CONTINUED

The Senate resumed from Tuesday, November 26, the adjourned debate on the inquiry of the honourable Senator Hayden, calling the attention of the Senate to section 53 and section 91 (as amended in 1949) of the British North America Act, 1867, and the effect of such sections on the initiation of legislation in the Senate.

Hon. Gunnar S. Thorvaldson: Honourable senators, Senator Hayden has introduced a very interesting thesis relating to the effect of the 1949 constitutional amendment, namely section 91(1) of the B.N.A. Act. Senator Hayden has done this in his usual lucid style and manner and I compliment him most highly on his presentation of a very intricate and difficult problem. I might say that when Senator Hayden speaks in this house, particularly on matters of law or on the Constitution, he is a person who should be listened to with great respect. But may I say this, that I think he also may have opened up a can of worms, especially if he should be wholly correct in his thesis. I will explain this point further at a later stage, but I may say now that if section 91(1) is interpreted in the way Senator Hayden suggests, we may find that our Constitution is so fluid that all the constitutional guidelines of the past may not be guidelines any more. I think that is partly the view taken by Senator Flynn in his impromptu remarks yesterday following Senator Hayden. However, for the purposes of my subsequent remarks, let me put on the record the sections of the British North America Act that are involved in this discussion.

The first of these is section 91(1), and I would like to cite the whole section because it is basic to the entire problem we are discussing in this resolution:

> 91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,—

And now I come to subsection (1) which contains the power of the Parliament of Canada alone to amend from time to time the Constitution of Canada—

> 1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House: provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House.

Now, as all honourable senators are aware, the passage of this amendment to our Constitution in 1949 was a matter of great importance and added tremendously to the powers and, indeed, gave certain very considerable powers to the federal Parliament to amend the Constitution in all respects where the sections come within the federal sphere or scope of operations. However, I must refer to the exclusions and exceptions that you have heard me read in subsection (1), all of which

are of great importance. Nevertheless the fact is that since the passing of this amendment the Parliament of Canada, acting alone, has very extensive powers of amendment of our Constitution.

At this stage I would also like to put on the record section 53 of the British North America Act, with which Senator Hayden was very much concerned in his speech. I quote:

> 53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Now, if I may briefly define Senator Hayden's position, as I see it, it is this: that by virtue of section 91(1), various methods are open to Parliament, namely to the Senate and the other place working together and in unison, to thwart and make of no effect sections 53 and 54, by way of introducing money bills in this chamber without the prior necessity of repealing those sections. In practical terms, as I understand his position, a so-called money bill could be introduced in the Senate, and if concurred in by the other place such action would in effect amount to the repeal of section 53 for the purpose of such bill. However, he also suggests that if this was too much of a shortcut, the same effect could be obtained by prefacing such bills with the words "notwithstanding the provisions of section 53". That this is his view is, I believe, confirmed by the brief exchange between Senator Hayden and Senator Flynn contained on page 615 of *Hansard* of Tuesday last. This exchange reflects to a certain extent Senator Flynn's position on this matter as well as Senator Hayden's. Senator Flynn had this to say:

> Senator Hayden has presented an interesting thesis on the effect of the 1949 amendment to section 91 of the B.N.A. Act. I must say that I am a little surprised at this; I had not heard this proposal before and I am not sure that I have had sufficient time to digest it sufficiently to pass judgment on it. I would only say that I am a bit worried at the idea that every time a money bill is initiated here we are, in effect, amending the Constitution without any warning to Parliament that we were doing so. This is implicitly what is suggested by the honourable Senator Hayden.
>
> HON. MR. HAYDEN: I presented the alternative.
>
> HON. MR. FLYNN: But you say that every time we initiate a money bill here it is constitutional for us to pass it, and if it is passed by the other place then it is legal, because Parliament would thereby have amended the Constitution, as it is empowered to do under section 91. This was my understanding of the whole of his thesis.
>
> HON. MR. HAYDEN: The other part of the thesis was that if doing it by short division in that fashion bothered you, you could do it by long division, by saying "Notwithstanding the provisions of section 53."

In regard to the context of the remarks I will be making later, let me add also this short paragraph which was uttered by Senator Flynn and is contained at the bottom of page 615:

> ... I do not favour dealing with the Constitution as if it were any other bill. I know that the B.N.A. Act is a mere act of the Imperial Parliament, which, to the extent of the 1949 amendment, has been given to the jurisdiction of our Parliament, but I do not like to deal with our Constitution, as suggested by the honourable senator, as easily as dealing with any other of our statutes.

Honourable senators, I have recited this exchange between Senator Hayden and Senator Flynn because I think it fairly represents again Senator Hayden's position in this matter. Is not this exactly what the 1949 amendment to section 91 has done to the Canadian Constitution as applied to purely federal affairs, namely, to make it amendable by Parliament acting alone in the same way as it is empowered to amend any other statute? That is the problem which has been raised by Senator Hayden and I think it is one of utmost importance.

Referring again to Senator Hayden's position, I go along with it nearly all the way—but not quite all the way. In other words, in order to achieve the ends which Senator Hayden says are possible, namely, to extend the powers of the Senate over money bills, I believe it would be necessary to repeal expressly at least section 53. I say "at least" because I do not think that section 54 would require repeal for the purpose intended.

It is a well-known canon of construction that all provisions in a statute, even in an organic constitutional document such as the B.N.A. Act, must be construed in relation to each other. It is equally clear that a specific section will prevail over a general one. To

give full effect both to section 53 and section 91(1) it must be concluded that amendments to the B.N.A. should not be sought by means of money bills introduced in contravention of section 53. Nor can this defect be remedied by adding at the beginning of a money bill: "Notwithstanding the provisions of section 53 of the B.N.A. Act."

Honourable senators, in further reference to section 91(1) and the question whether in fact it goes further than was intended, I would like to refer to a quotation which suggests that the Right Honourable Louis St. Laurent deemed that section 91(1) had gone too far. This is a very interesting quotation, which I am about to read from the book by Mr. Russell Hopkins, *Confederation at the Crossroads*. At page 265 he refers to the amendment made in 1949 and says:

> The second important amendment to the Canadian Constitution in 1949 was embodied in the B.N.A. Act, 1949 (No. 2). This amendment, which empowered the Parliament of Canada to amend the purely federal aspects of the Constitution, was obtained without either consultation with or approval by the provincial governments. The federal government maintained the position it had assumed in respect of the 1943 and 1946 amendments. Nevertheless—

And these are the words to which I would like to draw your attention—

> —at a federal-provincial conference held in 1950, Prime Minister St. Laurent indicated that, if an agreement were reached on an overall procedure for amending the Constitution in Canada, he would be prepared to reconsider the broad effect of the amendment of 1949.

Nevertheless, it is my conviction that section 53—and section 54 and, for that matter, many other sections which relate entirely to the federal power in the Constitution and which are not within the exclusions of subsection (1)—can be repealed by a specific Act of the Parliament of Canada. This result comes about, of course, because of the 1949 amendment to the Constitution. Therefore, in the final result, we arrive at the point where the Parliament of Canada, acting alone, has the power to repeal or amend in any particular, section 53 and many other sections of the B.N.A. Act.

So, by and large, I agree with Senator Hayden's thesis, subject to the specific action of express repeal. To me, this whole subject matter has brought up another problem which I have loosely referred to as a "can of worms". I think this is the reason why Mr. St. Laurent seems to entertain some doubts as to whether or not section 91(1) did not go too far in this respect, namely, that it gave the Parliament of Canada too much power to alter the Constitution in the designated fields of authority.

Again I would refer to the fears that Senator Flynn voiced in his remarks yesterday. I have not discussed this with him, but I am presuming that this is what he had in mind. Senator Flynn suggested that surely the B.N.A. Act is not merely another statute which can be amended in certain particulars at will. Indeed, is it not quite possible that if a very irresponsible Parliament existed in this country, it could reduce the number of members from 264 to one? Also, there are various sections of the B.N.A. Act relating exclusively to the federal arena which could be either repealed, amended, or so mutilated as to cause grave damage to our country as we have it today. There are some examples in history of this happening. Is not that exactly what happened in Germany in 1936? We all know that Hitler acted quite within the law in everything he did.

Hon. Mr. Walker: Would Senator Martin do that?

Hon. Mr. Thorvaldson: The fact is that when Hitler came to power in 1936, with his tremendous majority of "brown shirts," he obtained much too easily the amendment of the Constitution of Germany, namely, of the Weimar Republic of that day. The result, of course, is obvious to all of us. We know what happened, but that is how it was done. Consequently, I refer to this matter simply to suggest to this honourable body that it may not be a good thing—indeed to could be disastrous—to make it too easy to amend the Constitution of our country.

Take, for instance, the case of the United States. Can anyone imagine that the 200 million people in the United States would by a referendum give Congress, namely, the Senate and the House of Representatives, the power to amend the Constitution of the United States merely by an Act of Congress passed by 51 per cent of the House of Representatives and 51 per cent of the Senate? No one could think that. The Americans are very conscious and jealous of their Constitution, and the founding fathers, as we all know, took extreme care that the Constitution of their

country could not be altered without very effective safeguards being applied.

We know what these safeguards are. They are very strict ones. It is true that they have had many amendments to that Constitution, but they have been within the guidelines laid down by the founding fathers nearly 200 years ago.

Hon. Mr. Roebuck: They were always consented to by the entire population, by the states as representatives.

Hon. Mr. Thorvaldson: Yes. You know the procedure: by a three-quarter majority of the states and a two-thirds majority in Congress.

I come now to the last question which I would like to touch on just briefly, namely, that the Constitution of Canada is so easily amendable by a mere majority of the members of our both houses, and what might conceivably be the result of that. So let us ask, what about people who suggest that the Senate should be abolished? What about these people who suggest that you should do that under circumstances which I have related? And so, suppose there were no Senate in Canada. If, for instance, there was such turmoil in this country that a majority were elected to the House of Commons representing the far left or the far right, as was the case in Germany, what would happen to this country? What would happen to our Constitution and our way of life, were it not for this body? Perhaps that is the reasoning of certain people who are continually asking for the abolition of the Senate—one of whom was featured on our T.V film some days ago.

Hon. Mr. Roebuck: The mummy at the feast.

Hon. Mr. Thorvaldson: Perhaps that is one of the reasons why people like him would like to have the Senate abolished. It might be also the reason why people on the far right in an era of turmoil would like to have the Senate dispensed with in this country.

However, honourable senators, that is just by the way. Nevertheless, I do think that this is a matter to which we should give some thought. After all, when people talk about abolishing the Senate of Canada, do they not realize that rightly or wrongly practically every country in the world, with only three or four exceptions, are bicameral? They have two legislative chambers. That is a fact. Very few countries are unicameral. Even among the emerging nations of Africa and elsewhere they have taken the precaution of having two chambers.

Honourable senators, this is really a digression in this part of my remarks. All I want to say is that in my view Senator Hayden is very nearly correct in what he says. The only difference in view that I have with him is that I believe that section 53 cannot be amended, impliedly, as it were, merely by passing an act which flies in its face. It can be repealed by this Parliament, however, in which event we could make such definitions in regard to section 53, and in regard to what is meant by a money bill and so on, that there would be no need for further debate on what a money bill is. Parliament could decide, if we wanted to change that section, just what bills could come in here and whether or not the Senate should be allowed to originate money bills. We could deal similarly with section 54, which relates to the question of money bills being introduced in the other place. Parliament could, in respect of that section, make any arrangements that might be desirable.

Honourable senators, thank you for listening to me on these points. But let me add that the Senate is now, as it has always been, a bulwork of the Constitution of this country.

On motion of Hon. Mr. Prowse, debate adjourned.

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the report from the Joint Committee on the Library of Parliament concerning a salary revision for all classes of Library of Parliament positions in accordance with a general revision approved for other employees in the Public Service.

Hon. A. Hamilton McDonald moved the adoption of the report.

Report adopted.

PRIVATE BILL

ATLANTIC PEAT MOSS CO. LTD.— SECOND READING

Hon. Hedard Robichaud moved the second reading of Bill C-103, respecting Atlantic Peat Moss Co. Ltd.

He said: Honourable senators, in moving second reading of this bill I wish to assure you that my remarks will be brief and that I will try to keep to the point.

First, may I be permitted to give a brief historical background of the company and of the

facts or events which have necessitated the petition requiring the presentation of this bill?

The Atlantic Peat Moss Company Limited was incorporated by Letters Patent dated May 22, 1945, and Supplementary Letters Patent were obtained in 1963 in order to change the stock and refinance the company. This company carries on the operation of extracting, manufacturing, packaging, and of the expedition and sale of peat moss. This product, as honourable senators know, is used to modify soil properties, particularly the moisture retention ratio, and it is often used with other fertilizers.

The centre of operations of Atlantic is in Shippegan and Lamèque, both in Gloucester County, New Brunswick. In the last four years the average sales of this company have been in the vicinity of three quarters of a million dollars. In addition, it has paid for freight charges an average of $260,000 a year, and has paid in salaries for the plant operation approximately $200,000 a year. I might mention, in passing, that 90 per cent of its production is exported to the United States market.

This company has had to face in recent years, particularly in the last three years, serious union problems. Furthermore, certain American syndicates have taken over a number of Canadian companies producing peat moss. There was a tendency to lower the market price and this caused serious financial difficulties to Atlantic Peat Moss. However, these problems were met following the refinancing of the company in 1963. For certain reasons this company failed to complete and file its annual report to the department as required under the Canada Corporations Act. It is for this reason that the company is requesting now that the orders in council which were published in the *Canada Gazette* on June 17, 1968, and on June 2, 1967, be deemed to never have had effect, as this company now is not legally incorporated under the Canada Corporations Act.

The company admits that this omission occurred as a result of some negligence or lack of supervision on its part. The fact remains that it is operating in a designated area. It gives employment to approximately 100 persons, and even up to 300 during the peak production period.

Two solutions are offered the company to correct the existing situation. The first one would be to obtain new Letters Patent, but because of all the financial implications, this first action seems impossible to adopt. The transfer of assets, plus the depletion already used, would automatically set the company to a point where it probably would have to cease all operations.

The other solution is the one which is to be found in the present private bill. The petition requests a cancellation of the notice of dissolution pertaining to the company concerned.

Honourable senators, again I want to mention that the company admits that there has been serious neglect on its part, or on the part of its administrators and officers, but the seriousness of the consequences of its dissolution must be considered. The operation of the company, as I have stated, is important and vital to the region concerned. This company is completely Canadian-owned and, as I have indicated, 90 per cent of its sales are to the United States.

Section 1 of the bill simply states:

> The notices given on June 2nd, 1967 and June 17th, 1968, and published on June 17th, 1967 and June 22nd, 1968, in the Canada Gazette, by virtue of section 125 (12) of the Canada Corporations Act, R.S.C. (1952) chapter 53 and amendments, shall be deemed to never have had effect as for Atlantic Peat Moss Co. Ltd.—Mousse de Tourbe Atlantic Cie Ltée, subject to the following sections.

Section 2, subsection (1) states:

> Within the two months following the adoption of the present Act, all returns prescribed by the said Canada Corporations Act, shall have to be filed and received for and in the name of the said Company, notwithstanding any stipulation of the said Act, or notice to the contrary.

When the bill was presented for third reading in the other place, subsection (2) of section 2 was amended to read as follows:

> Failure to comply with the requirements of subsection (1) of this section, will make all sections of this Act null and void.

It was felt that this amendment further strengthened the bill.

Honourable senators, I commend for your approval the second reading of this bill, and I am prepared to move that it be referred to a standing Committee.

Hon. Mr. Choquette: I am sure that it is not necessary.

Hon. Mr. Robichaud: Personally, I see very little necessity for it.

Hon. Mr. Flynn: Was it referred to a committee in the other place?

Hon. Mr. Robichaud: Yes, honourable senators.

Hon. Mr. Flynn: To your knowledge was any objection raised in committee there?

Hon. Mr. Robichaud: No objection was raised in committee, and it was only when it came to third reading that this amendment, which I referred to, was made.

Hon. Mr. Flynn: That would be the only relevant question before the committee, and in such circumstances we would not insist that it be referred. We would be prepared to waive Rule 117.

Hon. Mr. Gouin: May I ask a question? I understand that peat is used for heating purposes, but what about peat moss? For what purposes is it used?

Hon. Mr. Robichaud: Honourable senators, I think I mentioned earlier that it is used particularly to increase the moisture content of the soil in gardens and lawns. It is also used when mixing fertilizers to increase their retention of moisture. In no areas of northeastern New Brunswick is peat being used for fuel.

The Hon. the Speaker: Honourable senators, we are dealing with a private bill, and Rule 117 provides that every private bill, after its second reading, must be referred to a committee—unless the rule is suspended.

Hon. Mr. Roebuck: That, I suppose, would require unanimous consent. There is no doubt that peat moss is a very important commodity agriculturally, and in the cultivation of gardens, and so on, but unfortunately sometimes it gets on people's backs. Apparently that is what happened here. As a result they neglect at times to do things that are necessary. May I say that for my own part I would not wish to pass this measure peremptorily without sending it to committee, because such a course is almost unprecedented. I do not remember a case like this coming before us previously. I can see the possibility of the rights of some people being dealt with in this matter, and for that reason I think we ought to send it to a committee.

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Hon. Edgar Fournier: Honourable senators, may I add a word? I am quite familiar with the peat moss industry in that region of New Brunswick. It is a very vital industry and we cannot afford to lose it. Therefore, I feel we should do everything possible to save the industry. As Senator Robichaud has pointed out, there are over 100 regular employees, and sometimes over 300 are employed. It is an industry the raw materials for which cost nothing because it is simply a matter of digging this peat moss out of the ground, or, en français, *de la tourbe*, which is then processed by machine and reduced to a dust, sometimes fine and sometimes coarse, and is used in gardens as a fertilizer. There is a tremendous market for it in the United States.

Honourable senators, why hold back this industry which is helping to bring American money to Canada? Why do we not save it? Even if a mistake has been made, I do not see that anybody is to blame.

Hon. Donald Smith: Honourable senators, just by chance a few weeks ago I had an interesting conversation with the member who introduced this bill in the House of Commons. He described to me the circumstances that made it necessary for this company to come back to Parliament. Evidently, because of an oversight, they had forgotten certain things that needed doing at a particular time.

Senator Robichaud has now told us about these things and has said that there is a danger that the company would be under obligations which would be overwhelming to them, and he was afraid what the results might be. I think the honourable senator who has just spoken shares my opinion that it does not take much to push these small companies down when they run into legal difficulties and so on. I am wondering if we could not help this particular industry in this part of New Brunswick to remain healthy. After all, it does give a certain amount of employment.

Honourable senators, I know something about this because we had a peat moss industry in Nova Scotia, which is just about extinct now for other reasons. I bring this to the attention of all honourable senators while acknowledging that it is their right and privilege to insist on the usual procedure. However, I think it would be appreciated by many if we could forego this procedure at this time.

Motion agreed to and bill read second time.

SUSPENSION OF RULE 117

Hon. Mr. Robichaud: Honourable senators, with leave of the Senate, I move that Rule 117 be suspended with respect to Bill C-103, respecting Atlantic Peat Moss Co. Ltd.

Hon. Arthur Roebuck: Honourable senators, I had it in mind to say "No" to this motion, but there seems to be a consensus among my fellow senators that there is some real urgency in this matter, so I will consent with the rest.

Motion agreed to.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Robichaud: With leave of the Senate, now.

Motion agreed to and bill read third time and passed.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 426 to 486, inclusive, which were presented yesterday.

On motion of Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 391, for the relief of David Borden Hughes.

Resolution 392, for the relief of Roy Smith.

Resolution 393, for the relief of Marion Martin MacKinnon Jean.

Resolution 394, for the relief of Adjutor Bacon.

Resolution 395, for the relief of Lilly Margot Andersen Dyke.

Resolution 396, for the relief of Lois Thelma Tinkoff Mintz.

Resolution 397, for the relief of Mavis Carol Mendelsohn Waxman.

Resolution 398, for the relief of Ronald Thomas Edwin Hodgson.

Resolution 399, for the relief of Ethel Mae McCullough Ray.

Resolution 400, for the relief of Clement Jean Louis Hebert.

Resolution 401, for the relief of Dorrit Neufeldova (Neufeld) Lipman Shedlack.

Resolution 402, for the relief of Marie Madeleine Therese Depocas Forest.

Resolution 403, for the relief of Marie Eva Duguay McLaughlin.

Resolution 404, for the relief of Roda (Ruth) Plavinsky Liberman, otherwise known as Roda (Ruth) Plavinsky Lieberman.

Resolution 405, for the relief of Julia Katharine Duggan McNeil.

Resolution 406, for the relief of Joseph Eduin Albert Aloisio.

Resolution 407, for the relief of Geraldine Mary Reeves Clark.

Resolution 408, for the relief of Marie Nicole Clementine Bibeau Clement.

Resolution 409, for the relief of Marie Cecile Micheline Tellier Menard.

Resolution 410, for the relief of Rosalia Gutman (Guttman) Bailis.

Resolution 411, for the relief of Pamela Patricia Gornall Worontschak, otherwise known as Pamela Patricia Gornall Woronchak.

Resolution 412, for the relief of Stella Tsarouha Tzakas.

Resolution 413, for the relief of Aldythe Edson Marcou Hughes.

Resolution 414, for the relief of Joseph Georges Laramee.

Resolution 415, for the relief of June Valerie Oberst Robinson.

Resolution 416, for the relief of Paul Henri Le Blanc.

Resolution 417, for the relief of Donna Marie Conrad Clifford Boucher.

Resolution 418, for the relief of Jean Robert Demers.

Resolution 419, for the relief of Clementine Madeleine Bouchard Groleau.

Resolution 420, for the relief of Pieter Bal.

Resolution 421, for the relief of Mary Berthe Louise Sheasgreen Mitchell.

Resolution 422, for the relief of Rosalind Edith (Lolly) Wener Blutstein.

Resolution 423, for the relief of Marie Nicole Diane Chouinard Verreault.

Resolution 424, for the relief of Catherine Hiliary Trevors Mayo.

Resolution 425, for the relief of Carol Joan Begg Bouziane.

Resolution 426, for the relief of Miriam Talerman Schwartz.

Resolution 427, for the relief of Sharon Cooperberg Sherman.

Resolution 428, for the relief of Diane Linda Seaton David.

Resolution 429, for the relief of Carla Yetman Davies.

Resolution 430, for the relief of Marie Therese Yvette Moquin Drouin.

Resolution 431, for the relief of Joseph Fernand Lionel Brouillette.

Resolution 432, for the relief of Marie Charlier Broka.

Resolution 433, for the relief of Adrienne Gauthier Tremblay.

Resolution 434, for the relief of Margaret Rose Farquhar Bryant.

Resolution 435, for the relief of Shirley Dorothy Conant Blodin.

Resolution 436, for the relief of Kevin Michael Riley.

Resolution 437, for the relief of Rae Friedman Lackman.

Resolution 438, for the relief of Arthur Isidore (Isodore) Marian Domingo.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, in view of the adjournment which is before us, I move, with leave of the Senate, that these resolutions be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

The Senate adjourned until tomorrow at 11 a.m.

APPENDIX

(*See p. 636.*)

RULES OF THE SENATE

FOURTH REPORT OF THE SPECIAL COMMITTEE OF THE SENATE ON THE RULES OF THE SENATE

Thursday, November 28, 1968.

The Special Committee of the Senate on the Rules of the Senate makes its Fourth Report as follows:

1. Under authority of the Resolution passed by the Senate at its sitting Thursday, September 19th, 1968, reading as follows:

> "The Honourable Senator Martin, P.C., moved, seconded by the Honourable Senator McDonald:
>
> That a Special Committee of the Senate be appointed to examine the Rules of the Senate, and to recommend to the Senate any changes therein considered by the Committee to be either necessary or desirable; and
>
> That the Committee have power to call for persons, papers and records, to examine witnesses, to report from time to time, to print such papers and evidence from day to day as may be ordered by the Committee and to sit during sittings and adjournments of the Senate."

a Special Committee composed of the following:

The Honourable Senators

Aird	Macdonald (Cape Breton)
Choquette	Martin
Connolly (Ottawa West)	McDonald
Desruisseux	Molson (Chairman)
Everett	Phillips (Rigaud)
Flynn	Stanbury
Haig	Thorvaldson
Lang (Vice Chairman)	White
Langlois	
Leonard	

has met and now submits its Report.

2. A proper understanding of the Rules of the Senate required a study of the constitutional background of these Rules. Your Committee therefore examined the British North America Act and the statutes listed in Appendix "A" to this report. In addition the Rules of the House of Lords, of the Senate of the United States of America, and previous debates of the Senate of Canada on this subject, were considered.

3. Throughout its study, your Committee was aware of the need to accelerate the legislative process, and the widespread public criticism of the whole parliamentary process as it exists in Canada today. Your Committee has therefore satisfied itself that the Rules recommended to the Senate will permit the Senate to assume greater legislative responsibility without sacrificing its customary scrutiny of the legislation itself. In addition, in recommending the amendments set forth as a Schedule to this report, your Committee also recommends that the Committee on Standing Rules and Orders be instructed to keep under constant study the Rules and to recommend periodic revisions thereto. Your Committee further recommends that the proposed Rules, as adopted by the Senate, be printed in the English and French languages in conformity with the arrangement, style, numbering, and lettering used in the Statutes of Canada, with a detailed index, an appendix showing a bibliography of related statutes, and an appendix of relevant forms of proceedings, the responsibility therefor to be entrusted to the Clerk of the Senate, the Law Clerk, and Legal Counsel of your Committee.

4. In the course of study, however, it became apparent that amendments to the Rules would not be sufficient to enable the Senate to carry out effectively its role as one of the three vital parts of the Parliament of Canada in accordance with the terms of Section 17 of the B.N.A. Act:

> "There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons."

Fully aware that the underlying reason for the establishment of your Committee was the desire of the members that the Senate continue to make its maximum contribution to the welfare of the Canadian People, your Committee soon realized that revision of the Rules

only could not accomplish this purpose. There emerged the clear necessity for constitutional and statutory changes beyond the terms of reference of the Committee in order to reach the objective of a modern and streamlined Parliament.

5. Such basic reform is not a new idea. Over the years, the Senate itself has struggled with this problem. One can recall the motion placed before this Chamber in 1951 by the Hon. Wishart McL. Robertson, then Government Leader in the Senate,

> "that a Special Committee of the Senate be appointed to inquire into, and report upon, whatever action in its opinion may be necessary or expedient to enable the Senate to make its maximum contribution to the welfare of the Canadian people."

But today the problem is more urgent because of the rapid social change during the last two decades. Parliamentary reform is now a public issue which must be resolved with dispatch in accordance with the requirements of modern society.

6. The British North America Act, 1867, contemplated a primary role for the Senate which has changed substantially over the years. Originally it was envisaged that all legislation would originate in the House of Commons and that the function of the Senate would be to re-examine the Bills passed by the House and referred to the Senate. It was to be a Chamber for review and "sober second thought".

7. With the passage of time this function has changed. In the first place many private bills have been introduced in the Senate, particularly of course divorce bills. It appears generally agreed that all private bills ought to be introduced in the Senate, whereas for special reasons a few private bills are still being introduced in the House of Commons. That conclusion was implicit in the decision taken in 1932 to increase the parliamentary fee to $500 if a private bill were introduced in the Commons while it was left at the less realistic figure of $200 if introduced in the Senate. A provision to the effect that all private bills shall originate in the Senate would be beyond the competence of the Senate acting unilaterally. It is recommended therefore that discussions be initiated with the House of Commons to the end that such a provision be made either by a change in the rules of the House of Commons or by statute. If that change is made, presumably the parliamentary fee in the Senate should be raised too. In addition, it has become the practice to introduce a limited number of government bills—those with no money context—in the Senate. This practice, which is a very welcome one, has enabled the Senate to carry part of the legislative load in recent years, as the following data reveals:

Year	Government Bills initiated in the Senate	Government Bills initiated in the Commons	Percentage of Total initiated in the Senate
1957-58	3	28	10%
1958	4	41	9
1959	12	44	21
1960	13	37	26
1960-61	6	58	9
1962	1	26	4
1962-63	1	18	5
1963	8	48	14
1964-65	19	44	30
1965	5	13	28
1966-67	22	81	21
1967-68	19	26	42

8. When it is borne in mind that all money bills are included in the figures of Bills initiated in the Commons, it becomes apparent that the Senate can carry a not inconsequential share of the legislation when the Government of the day directs Bills to it for introduction. It might be added that during the last ten years 233 Private Bills, other than Divorce Bills, have been initiated in the Senate, while only 4, initiated in the House of Commons, have been received by the Senate.

9. Another innovation, the function of investigation, has been most effectively carried out by special committees of the Senate, and often at a fraction of the cost that would have been incurred by a Royal Commission. More and more the work of Parliament has to be done in Committees. This is true also in other countries with democratic forms of government, including the United Kingdom and the United States. Over and above its deliberative functions the Senate, in carrying out its primary responsibility as a legislative body, must do an increasing amount of investigatory and research work. Examples of this are to be found in recent years in the work of the Special Committees such as those on (1) Inflation, (2) Manpower and Employment, (3) Land Use in Canada, (4) Aging, (5) The Joint Committee on Consumer Credit and (6) The Joint Committee on Divorce, and the current intensive study being made by the Special Committee on Science Policy. Such studies

and investigations in depth have been and will continue to be the bases for sound constructive legislation. The Economic Council of Canada recognized this in its Fifth Annual Review which says at page 136:

> "The Senate of Canada might consider the advisability of creating a committee to enquire into the problem of poverty in Canada. An earlier Senate inquiry into the problems of land use in Canada helped to bring about the Agricultural Rehabilitation and Development Act (ARDA) in 1961. The enquiry we propose would deal with all aspects of poverty, urban and rural. Many excellent witnesses, both Canadian and foreign, would be available to appear before the committee, whose work could also be aided by a small but competent research staff. The work of such a committee could do much to define and elucidate the problem of poverty in Canada, and to build public support for a more effective structure of remedial measures."

There is, indeed, a need for permanent research assistants on the staff of the Senate to ensure that this important Senate responsibility need not depend to the extent it has in the past upon temporary and comparatively costly expert staff.

10. As a result, it seems to have become accepted that the role of the Senate is no longer confined, in these days of rapid change and instant communication, to that of "sober second thoughts" on legislation emanating from the House of Commons. Without the Senate abandoning this responsibility it now seems essential that the work of Parliament itself should be more balanced by the introduction in the Senate of more legislation than heretofore, and that the work of inquiry carried on through the means of special committees should be expanded. For the complexity of modern life requires a greater co-operation between the two Houses in order to ensure that legislation keeps pace with progress in human affairs: the great advances in science and human knowledge; the increasingly repeated and more efficient means of communication and transport; the wealth of new instruments and synthetic materials; the rationalized methods of production; in general, the world-wide reorientation which heralds a new era for man, provided that man organizes and directs these developments under the rule of law.

11. Understandably, there is a feeling of disquiet and unrest in the face of all these triumphs of science and technology. It is an experience of individuals and nations alike. Our age, like all times of transition, is one of unrest. The era we now live in reveals a great deal of public discussion and considerable evidence of the danger of parliamentary democracy deteriorating into an authoritarian executive supported by a strong and experienced bureaucracy, with Parliament itself relegated to the role of a debating society. When the growing demands, increasing complexity and almost instantaneous communication of problems presented to Governments are considered, these fears appear to be not unreasonable.

12. To preserve the vital democratic responsibility of examination and thorough study in depth of legislation presented to Parliament, an impartial and independent Senate, comprising the ablest talent which can be attracted to it, is of paramount importance to our system and, consequently, to the Canadian public. This emphasizes not only the continuing and perhaps increasing need for our Chamber but, also, the importance of its composition as well as its procedures for ensuring a full and fair examination of public issues with as little distortion as possible by the crisis atmosphere of the daily political scene.

13. The experience of 100 years now indicates that there is some reason for the Senate to approach its task with full impartiality and independence. To this end it may be desirable that there should be a constitutional change widening the base on which senators are appointed. It is apparent that when appointments are confined almost exclusively to those who have faithfully served the party in power, there is a modifying influence imposed on their conduct by the natural loyalty to that party. This is not to suggest that either political experience or party affiliation by themselves should be a deterrent to an otherwise suitable appointment, but that if the Senate were more detached from the political party process it would have an immediate and beneficial effect on its conduct and on its image. In the words of John Stuart Mill,

> "If one House represents popular feeling, the other should represent personal merit, tested and guaranteed by actual public service, and fortified by practical experience. If one is the People's Chamber, the other should be the Chamber of Statesmen; a council composed of all living public men who have passed through important political offices or employments.

> Such a chamber would be fitted for much more than to be a merely moderating body. It would not be exclusively a check, but also an impelling force. In its hands the power of holding the people back would be vested in those most competent, and who would generally be most inclined, to lead them forward in any right course. The council to whom the task would be entrusted of rectifying the people's mistakes would not represent a class believed to be opposed to their interest, but would consist of their own natural leaders in the path of progress. The best constitution of a Second Chamber is that which embodies the greatest number of elements exempt from the class interests and prejudices of the majority, but having in themselves nothing offensive to democratic feeling."

14. In similar context it has frequently been suggested that general participation by Senators in House of Commons caucuses has not proven helpful to Senators in the impartial consideration of legislation in the Chamber. It might be suggested that if the practice were adopted of the Leader, Deputy Leader, and the Whip, only, of each party, attending caucus and then accepting the responsibility of passing on to their Members the information on policy and other matters, as necessary, it might preserve the political connection without affecting the impartiality of the Senate. In order to weigh legislation in the light of only what is best for the country, it is obviously difficult for members of the Senate to be subject to the direction of the same person who leads their party in the House of Commons.

15. A reform that is within the competence of the Government of the day, and badly needed to enable the Senate to serve a more valuable and, it is submitted, its proper purpose in Parliament, is a change in the concept of a "money bill". Debates and opinions on this matter go back for some three hundred years or more in parliamentary history, but your Committee is convinced that a different application of the definition is now needed, and they believe that there are good grounds, based on historical opinions, to exclude from the definition of "money bill" a Bill introduced, not for the purpose of imposing taxation or for the purpose of spending public funds, but for another purpose which has only some consequential cost of administration or other very secondary financial aspect.

16. There are also conditions or requirements imposed in the past by statute which, in the modern world, may be anachronisms. Among these worthy of re-examination are the property requirements for appointment to the Senate dating from an age of class distinctions and coloured by the character of landowner of Members of the House of Lords and, in particular, those applying to Senators from Quebec; the time consuming and sometimes disruptive procedure for Royal Assent in the Senate Chamber; the fact that deductions are made from the Sessional Allowance for absences from the Chamber while no credit is given for committee attendance even during adjournments showing the lack of recognition of the importance of Senators' attendance at Committees both during the session and adjournments relative to sittings in the Chamber.

17. In matters of procedure there is also room for improvement in the performance of the Senate. This has been suggested in part by the proposed amendment in the number, composition and functions of standing committees contained in the Third Report of your Committee adopted by the Senate on November 19th. This basic restructuring of the Standing Committees has reduced the number of committees from 19 to 11, now strengthened and empowered to call for persons, papers, and records, whenever required, with areas of direct concern such as foreign affairs, national finance, legal and constitutional affairs, banking, trade and commerce, health, welfare, science and transport and communications. In addition, bills of major public interest should be considered in the Chamber in the Committee of the Whole. Further, from time to time, select committees of the Senate should hold committee meetings in the Senate Chamber itself. In this way the public would have an opportunity to see the Senate performing what is undoubtedly one of its most useful roles—the examination in depth of the legislation submitted to it. This is suggested with the thought of enabling more people to appreciate where and how the Senate makes its vital contribution in Parliament. Public opinion properly informed would soon realize that the debates which are listened to from the Gallery in the normal course of our sittings are those dealing with matters of principle only, and in no way encompass the full consideration and careful treatment given to bills that come before our Chamber.

18. Your Committee also gave some consideration to the present status and functioning of the Standing Joint Committees of the

Senate and House of Commons. The former rules concerning such Committees were left unchanged in the proposed new rules, since neither the Committee nor the Senate, acting unilaterally, could properly change them. It is nevertheless considered that the status and functioning of such Joint Committees should be studied jointly by the two Houses with a view to ensuring that any necessary changes are made. In addition, your Committee considers that there is much doubt existing as to the proper functioning of Special Joint Committees: there is no clear guide for example, as to the procedure to be followed by such Joint Committees, as to which House should bear the expenses incurred, or as to whether such expenses should be apportioned. A study of these matters could be undertaken as part of the joint study, recommended above, of the Standing Joint Committees.

19. Experience dictates that parliamentary reform should be undertaken only if wide public demand for it is in evidence. There is considerable evidence that there would be public support for Senate reform. Your committee recognizes that this situation is partly the result of lack of public knowledge and understanding of the responsibilities and performance of the Senate, but acknowledges that there is a substantial feeling among Senators themselves that change is as essential here as it is in life itself.

20. Having examined and discussed at length the root causes of its inability to render Senate procedures completely modern by changes to the rules; being fully convinced of the supreme importance of the parliamentary process in the conduct of national affairs in our democracy; being persuaded that a system devised 100 years ago and scarcely modified since is no longer adequate to cope with conditions of this age; and being of the opinion that the Senate can and should participate to a greater degree in the ever increasing load placed on Parliament, your Committee in making its report therefore recommends that the Senate instigate an examination of the constitution of the Senate with a view to recommending changes which would enable it to carry out more fully the purpose which was intended in making it one of the three essential parts of Parliament.

21. This could be accomplished by introducing for debate in the Senate a motion setting out the terms of reference of such a study, which if adopted could be carried out by the recently established Standing Committee on Legal and Constitutional Affairs. Such a debate, ranging over all aspects of the Constitution with regard to the Senate, would be useful in developing recommendations which would meet with public approval and set the course for the Senate's second century.

22. In closing, the Chairman would like to record the interest, co-operation and diligence of the Law Clerk, the Chief Clerk of Committees, the Clerk of the Committee, the members of the Committee and its Legal Counsel, Mr. David Dehler. That it was able to complete its task in a reasonable time is due only to those qualities so cheerfully apparent during its intense activity over these last weeks.

All which is respectfully submitted.

H. de M. Molson,
Chairman.

APPENDIX "A"

SOME STATUTES AND OTHER MATTER RELATING TO THE SENATE

1. *British North America Act,* 1867-1964.

2. *Senate and House of Commons Act,* R.S., c. 249.

3. *Speaker of the Senate Act,* R.S., c. 255.

4. *Supreme Court Act,* R.S., c. 259, s. 56.

5. *Members of Parliament Retiring Allowances Act,* R.S., c. 329.

6. *Retirement of Members of the Senate Act,* 1965, c. 4.

7. *Criminal Code,* e.g. sections on perjury in committees.

8. *Interpretation Act,* 1967-68, c. 7, section 19, Reports to Parliament; section 18, oaths in Senate or Commons.

9. *Canadian Bill of Rights,* 1960, c. 44, s. 3. Senate Bill examined by Minister of Justice for violations of Act.

10. *War Measures Act,* R.S., c. 288, s. 6, motion in Senate for repeal of proclamation of war, &c.

11. *Publication of Statutes Act,* R.S., c. 230. Sections re the Clerk of the Parliaments, distribution of statutes to senators, and payment for printing of private bills under Senate Rules.

12. *Financial Administration Act,* R.S., c. 116. Section 21 where Senate by resolution or rule authorizes refund; section 65(1) where Auditor General removable on address of Senate and Commons.

13. *Representation Commissioner Act,* 1963, c. 40. Sections 3 and 4. Appointed by Commons, removable on Senate and Commons address.

14. *Canada Elections Act,* 1960, c. 39. Section 4 where Chief Electoral Officer removable on Senate and Commons address.

15. *Library of Parliament Act,* R.S., c. 166.

16. *Bank of Canada Act,* R.S., c. 13, s. 6. Senator disqualified as Director, Deputy or Assistant Deputy.

17. *Appropriation Act,* No. 1, 1960, c. 3, "Legislation, Senate, Vote 616 re: transportation and living expenses".

18. *Senate Journals,* 1867. Officers of Senate, other than Crown appointees, in the appointment and control of the Senate.

19. *The Post Office Act,* R.S., c. 212, ss. 17, 18 and 19.

SCHEDULE

SENATE RULES

PROPOSED	EXISTING
1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Parliament of Canada in force up to the adoption of the present Rules, shall be followed so far as they can be applied to the proceedings of the Senate or any committee thereof.	1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Lords House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof. B. 201.

Explanatory Note:

This revision does not preclude reference to the great Parliamentary authorities such as Bourinot, May, or Beauchesne. The Senate is master of its own House, and with the Canadian experience of over 100 years, there is no usefulness in referring to the Lords House of the Imperial Parliament.

2. No change.	2. Except so far as is expressly provided, these Rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.
2A. Any rule, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or part thereof proposed to be suspended being distinctly stated.	

Explanatory Note:

Rule 2A is the second paragraph of existing Rule 30 which for clarity of presentation becomes 2A.

3. All existing Rules and Standing Orders of the Senate are repealed.	3. All existing Rules and Standing Orders of the Senate are repealed; except as otherwise ordered by the Senate.

Explanatory Note:

The words "except as otherwise ordered by the Senate" are deleted because they are deemed superfluous.

4. In these Rules, unless the context otherwise requires,

(a) "bill" means a draft Act of Parliament and includes both private and public bills.

(b) "committee" means a committee of the whole, a select committee, whether standing or special, and a joint committee.

(c) "committee of the whole" means a committee composed of the whole body of senators.

(d) "inquiry" means either a written inquiry of the government or a written notice that a senator will draw to the attention of the Senate any particular matter, by way of information or otherwise, but does not include a mere interrogation.

(e) "joint committee" means a committee composed of members of the Senate and the House of Commons.

(f) "leave of the senate" means leave granted without a dissentient voice.

(g) "motion" means a proposal made by a senator that the Senate or a committee thereof do something, order something to be done, or express an opinion concerning some matter.

(h) "one day's notice" means a notice given on any sitting day for a motion or inquiry to be made on the next succeeding sitting day.

(i) "petition" means a written prayer presented to the Senate and includes all petitions whether relating to public measures and matters of general policy or to redress of local or personal grievances.

(j) "previous question" means a motion 'that the original question be now put'.

(k) "person" or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or legal representative of such person, and words importing male persons include female persons.

(l) "question" means a proposal presented to the Senate or a committee thereof by the Speaker or chairman for consideration and disposal in some manner.

4. Unless the context precludes such construction, the words and phrases following have and include in these Rules and all other rules and orders of the Senate the meanings hereby respectively assigned to them, that is to say:

(a) "Question"—A motion moved and proposed from the Chair.

(b) "Substantive motion"—A motion not incidental to a proceeding before the Senate, nor relating to and arising out of an Order of the Day.

(c) "Incidental Questions"—Such questions as arise out of other questions, and are to be decided before those which give rise to them.

(d) "Subsidiary Questions"—Questions which relate to a principal motion, and are made use of to enable the Senate to dispose of it in the most appropriate manner.

(e) "Leave of the Senate"—Leave granted without a dissentient voice.

(f) "Select Committee"—A committee embracing less than the whole number of senators.

(g) "Standing Committee"—A select committee appointed for the session.

(h) "Special Committee"—A select committee other than a standing committee.

(i) "Written"—Written by hand, typewritten or printed, or partly the one and partly one or both of the others.

(j) "Two days' notice"—A notice where a sitting day intervenes between the day on which the notice is given and the day on which the motion or inquiry is made.

(k) "One day's Notice"—A notice given any sitting day for a motion or inquiry to be made on the next succeeding sitting day.

(m) "rule" means any standing rule or standing order of the Senate.

(n) "select committee" means a committee composed of less than the whole body of senators and includes both a standing committee and a special committee.

(o) "shall" is to be construed as imperative, and "may" as permissive.

(p) "special committee" means a select committee other than a standing committee appointed to consider certain matters and to report thereon to the Senate.

(q) "standing committee" means a select committee appointed to consider and to report thereon to the Senate matters falling within the duties specifically assigned to it by these Rules, and on other matters that may from time to time be referred to it by the Senate.

(r) "substantive motion" means an independent motion not incidental or relating to a proceeding or Order of the Day already before the Senate.

(s) "two days' notice" means a notice where a sitting day intervenes between the day on which the notice is given and the day on which the motion or inquiry is made.

(t) "writing", "written" or any term of like import includes words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words in a visible form.

Explanatory Note:

Definitions of "incidental questions", "subsidiary questions" have been repealed because superfluous. Definitions of "question", "substantive motion", "select committee", "standing committee", "special committee", and "written" have been redrafted for sake of clarity. Definitions of "leave of the Senate", "two days' notice" and "one day's notice" have been retained. Definitions of "bill", "committee", "committee of the whole", "inquiry", "joint committee", "motion", "petition", "previous question", "person", "rule", "shall" and "may", have been added for sake of clarity.

5. Except as otherwise ordered by the Senate, these Rules shall go into operation

5. Except as otherwise ordered by the Senate, these Standing Rules and Orders

on a day to be fixed by resolution of the Senate.

shall go into operation immediately upon the Prorogation of the present Session of Parliament, being that convened on the eighth day of March, in the year of Our Lord one thousand nine hundred and six.

Explanatory Note:
It is the opinion of the Committee that the Rules should commence operation on a day to be fixed by resolution of the Senate.

6. On the first day of the first session of a new Parliament, or of any subsequent session when the House of Commons have no Speaker, the Senate meets at thirty minutes before the hour named for the opening of the session: Prayers are said; and new senators, if any, are introduced, and take the oath of allegiance and their seats. His Excellency the Governor General or his Deputy being seated, the Commons attend in response to a message to that effect conveyed by the Gentleman Usher of the Black Rod, and are directed to choose a Speaker.

His Excellency or his Deputy, as the case may be, retires; and the Senate adjourns to a time thirty minutes before that fixed for the delivery of the Governor General's speech.

His Excellency opens the Session by a Speech to both Houses; and, Prayers being said, a Bill is read pro forma; the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the senators present during the session, is appointed.

6. On the first day of the first session of a new Parliament, or of any subsequent session when the House of Commons have no Speaker, the Senate meets at thirty minutes before the hour named for the opening of the session: prayers are said; and new senators, if any, are introduced, and take the oath of allegiance and their seats. His Excellency the Governor General or his Deputy being seated, the Commons attend in response to a message to that effect conveyed by the Gentleman Usher of the Black Rod, and are directed to choose a Speaker.

His Excellency or his Deputy, as the case may be, retires; and the Senate adjourns to a time thirty minutes before that fixed for the delivery of the Governor General's speech. B. 83

On the second day of any such session as aforesaid or on the first day of any other session, His Excellency opens the Session by a gracious Speech to both Houses; and, prayers being said, a Bill is read pro forma; the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the senators present during the session, is appointed. M. 283-294: B. 83-85.

Explanatory Note:
The words "On the second day of any such session as aforesaid or on the first day of any other session" are deleted because of modern-day practice of only one day opening of Parliament.

7. No Change.

7. The Senate meets for the transaction of business at three of the clock in the afternoon of each sitting day; unless otherwise previously ordered. M. 320-321: B. 208.

8. Repealed.	8. If, thirty minutes after the time of meeting, fifteen senators, including the Speaker are not present the Speaker takes the Chair and adjourns the Senate until the next sitting day, the names of the senators present being taken down by the Clerk. M. 321: B. 217.

Explanatory Note:
Not in accordance with practice. Combined with Rule 9.

9. When it appears, on notice being taken at the commencement of or during a sitting of the Senate, that fifteen senators, including the Speaker, are not present, the senators who may be in the adjoining rooms having been previously summoned, the Speaker adjourns the Senate until the next sitting day, without question put.	9. When it appears, on notice being taken, during a sitting of the Senate, that fifteen senators, including the Speaker, are not present, the senators who may be in the adjoining rooms being previously summoned, the Speaker adjourns the Senate as above, without a question first put. M. 321: B. 217.

Explanatory Note:
The purpose of Rules 8 and 9 are best achieved with such a revision.

10. No change.	10. Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during any part of the sitting on any day, he may call upon any senator to take the Chair and preside as Speaker, during the remainder of such day, or until the Speaker himself resumes the Chair before the end of the sitting for that day.
11. No change.	11. Whenever the Senate is informed by the Clerk at the Table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as Speaker during such absence; and such senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the Chair, or another Speaker is appointed by the Governor General. B. 164-5.
12. No change.	12. Every act done by any senator, acting as aforesaid, shall have the same effect and validity as if the act were done by the Speaker himself. B. 165.

Explanatory Note:
Rules 10, 11 and 12 are reproduced verbatim from the Speaker of the Senate Act.

13. If, at six o'clock in the afternoon, the business be not concluded, the Speaker or the Chairman of the Committee may leave the Chair until eight o'clock; the Mace being left on or under the table, as the case may be: Provided that, if at the said time, a division has been ordered, the Speaker or the Chairman shall not leave the Chair until such division has been taken and any formal business immediately consequent thereon has been completed.

13. If, at six of the clock in the afternoon, the business be not concluded, the Speaker or the Chairman of the Committee of the Whole leaves the Chair until half-past seven of the clock; the Mace being left on or under the table, as the case may be. B. 214.

Provided that, if at the said time, a division has been ordered, the Speaker or the Chairman shall not leave the Chair until such division has been taken and any formal business immediately consequent thereon has been completed. M. 327.

Explanatory Note:

The word "may" is added in order to clarify the permissiveness of leaving the Chair and to accord with practice. Time changed from half-past seven to eight o'clock to accord with practice.

14. No change.

14. When the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following. M. 320.

15. No change.

15. When the Senate adjourns, senators keep their places until the Speaker has left the Chair. B. 333.

16. No change.

16. The Speaker preserves order and decorum, and decides questions of order, subject to an appeal to the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case. M. 242-243, 464: B. 166, 360, 366.

17. No change.

17. Senators may not pass between the Chair and the Table. When entering, leaving, or crossing the Senate Chamber, they bow to the Chair. If they have occasion, when the Senate is sitting, to speak together, they go below the Bar; otherwise the Speaker stops the business under discussion. M. 462: B. 332.

18. No change.

18. If at any sitting of the Senate, or in Committee of the Whole, any senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered to withdraw", without permitting any debate or amendment: Provided, that the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate. M. 240-241: B. 194, 343.

18A. When a Bill or other matter relating to any subject administered by a department of the Government of Canada is being considered by the Senate or in Committee of the Whole, a Minister representing the Department, not being a member of the Senate, may on invitation from the Senate enter the Senate Chamber, and, subject to the Rules, Orders, Forms of Proceedings, and usages of the Senate, take part in the debate.

18A. When a Bill or other matter relating to any subject administered by a department of the Government of Canada has originated in and is being considered by the Senate or in Committee of the Whole, a Minister representing the Department, not being a Member of the Senate, may enter the Senate Chamber, and, subject to the Rules, Orders, Forms of Proceedings, and usages of the Senate, take part in the debate.

Explanatory Note:

The words "has originated in and" are deleted, and the words "on invitation from the Senate" are added to broaden the Senate's right to invite a Minister relating to any matter.

19. At each daily sitting of the Senate, the Speaker shall call for, in the following order:

1. Presentation of Petitions:
2. Reading of Petitions:
3. Reports of Committees:
4. Notices of Inquiries:
5. Notices of Motions:
6. Inquiries:
7. Motions:
8. Question Period:
9. Orders of the Day.

19. At each daily sitting of the Senate, the Speaker shall call for, in the following order,—

1. Presentation of Petitions:
2. Reading of Petitions:
3. Reports of Committees:
4. Notices of Inquiries and of Motions:
5. Inquiries:
6. Motions:
7. Orders of the Day. B. 218.

19A. When the Speaker calls the question period, senators may ask any questions of the Leader of the Government in the Senate relating to matters of urgency or importance to the nation or the Senate. No notice of such questions is required. Supplementary questions may be asked.

Explanatory Note:

The order of business is changed by adding as No. 8, between Motions and Orders of the Day, the Question Period. This incorporates a long standing tradition and practice which should be spelled out in the order of business. Notices of Inquiries and of Motions should be split. No. 4 should be Notices of Inquiries. No. 5 should be Notices of Motions. The remainder to be renumbered accordingly. Rule 19A is added in the same connection as No. 8.

20. No change.

20. Unless the Senate direct otherwise, Orders of the Day take precedence according to priority as follows:

1. Orders of the Day for the third reading of Bills.

2. An Order of the Day which, at the time of adjournment was under consideration.

3. Orders of the Day which at the time of adjournment had not been reached.

4. Remaining Orders of the Day.

M. 337-345: B. 218.

21. No change.

21. When a senator wishes to give notice of an inquiry or motion, he reduces the notice to writing, signs it, reads it from his place during a sitting of the Senate, and hands it in at the Clerk's table. B. 292.

This Rule does not apply to motions with respect to Bills, nor to motions dealing with reports of committees, nor to formal, routine, subsidiary or incidental motions, notice of which, when necessary, may be given by word of mouth, or by any means which places such motions among the Orders or on the notice paper for any day.

22. No change

22. A senator, on being duly requested, may give notice for any other senator not then present, by putting the name of such senator on the notice, in addition to his own. B. 293.

23. Two days' notice must be given of a motion for any of the following purposes:

(a) To make a new rule or standing order, or to repeal or amend an existing rule or standing order;

(b) For an Address to His Excellency the Governor General, not merely formal in its character;

(c) For an Order of the Senate for any papers or documents not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper;

(d) For the appointment of a special committee;

(e) For the adoption of the report of any such special committee;

(f) For the second reading of a Bill;

(g) A like notice is required of any inquiry, not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper.

23. Two days' notice must be given of a motion for any of the following purposes:

(a) To make a new rule or standing order, or to repeal or amend an existing rule or standing order;

(b) For an Address to His Excellency the Governor General, not merely formal in its character;

(c) For an Order of the Senate for any papers or documents not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper;

(d) For the appointment of a special committee;

(e) For the adoption of the report of any such special committee;

(f) For the second reading of a Bill;

(ff) For the adoption of a resolution of the Senate dissolving or annulling a marriage pursuant to the *Dissolution and Annulment Marriages Act*;

(g) A like notice is required of any inquiry, not relating to a Bill or other matter appearing among the Orders

of the Day, or on the notice paper, B. 293.

Explanatory Note:
Consequential repeal of paragraph (ff) following repeal of rules relating to dissolution and annulment.

24. One day's notice must be given of any of the following motions:
(a) To suspend any rule or standing order, or any part thereof;
(b) For the third reading of a Bill;
(c) For any substantial amendment to a Private or a Public Bill reported by the Committee of the Whole or by a Select Committee;
(d) Repealed;
(e) Repealed;
(f) For the appointment of a Standing Committee;
(g) For an instruction to a committee;
(h) For the adoption of a report, not merely formal in its character, from any standing Committee;
(i) For an adjournment of the Senate, other than the ordinary daily adjournment or that under Rule 14, 25 or 44;
(j) For any purpose to which neither Rule 23 nor Rule 25 applies.
(k) Repealed.

24. One day's notice must be given of any of the following motions:
(a) To suspend any rule or standing order, or any part thereof;
(b) For the third reading of a Bill;
(c) For any substantial amendment to a Private Bill;
(d) For the consideration of substantial amendments made in a Public Bill by a Committee of the Whole;
(e) That the Senate resolve itself forthwith into a Committee of the Whole;
(f) For the appointment of a Standing Committee;
(g) For an instruction to a committee;
(h) For the adoption of a report, not merely formal in its character, from any Standing Committee;
(i) For an adjournment of the Senate, other than the ordinary daily adjournment or that under Rule 14, 25 or 44;
(j) For any purpose to which neither the next preceding nor the next succeeding rule applies; and—
(k) A like notice is required of any inquiry relating to a Bill or other matter appearing among the Orders of the Day or on the notice paper.

Explanatory Note:
Paragraph (c) redrafted to accord with existing practice. Paragraph (d) repealed because repetitious of same matter covered by paragraph (c). Paragraph (e) repealed to reflect existing practice, namely, that the Senate may resolve itself into a Committee of the Whole without notice. See amendment to Rule 25(p) and explanatory note relating thereto. Paragraph (j) redrafted for sake of clarity. Paragraph (k) repealed because repetitious of same matter covered by paragraph (j).

25. No notice is required of the following motions:
(a) By way of amendment to a question;
(b) For the referral of the question to a committee;

25. No notice is required for any of the following motions:
(a) By way of amendment to a question;
(b) For the committal of the question;

(c) For its postponement to a certain day;

(d) For the previous question;

(e) For reading the Orders of the Day;

(f) For the adjournment of the Senate, while a question is under discussion;

(g) For the adjournment of the Senate for the purpose of bringing up a question of urgent public importance (which the mover shall state on rising to speak) before the House proceeds to the Orders of the Day;

(h) For the adjournment of the debate;

(i) For the consideration of Commons' amendments to a public Bill forthwith, or on a future day;

(j) For the appointment of a Committee to prepare reasons for disagreeing with a Commons' amendment;

(k) Raising a question of privilege;

(l) For the first reading of a Bill;

(m) For the postponement, discharge or revival of an Order of the Day;

(n) For dealing on a future day with any matter which is on the Table of the Senate;

(o) For the reconsideration, while in the Committee of the Whole, of any clause of a Bill already agreed to;

(p) That the Senate resolve itself into a Committee of the Whole;

(q) By the recognized Leader of the Government in the Senate or by a minister for the immediate presentation of papers;

(r) For the ordinary adjournment of the Senate, at the close of the business of the day;

(s) Other motions of a merely formal or uncontentious character;

(t) Where notice is dispensed with by the unanimous consent of the Senate.

(c) For its postponement to a certain day;

(d) For the previous question;

(e) For reading the Orders of the Day;

(f) For the adjournment of the Senate, while a question is under discussion;

(g) For the adjournment of the Senate for the purpose of bringing up a question of urgent public importance (which the mover shall state on rising to speak) before the House proceeds to the Orders of the Day;

(h) For the adjournment of the debate;

(i) For the consideration of Commons' amendments to a public Bill forthwith, or on a future day;

(j) For the appointment of a Committee to prepare reasons for disagreeing with a Commons' amendment;

(k) Raising a question of privilege;

(l) For the first reading of a Bill;

(m) For the postponement, discharge or revival of an Order of the Day;

(n) For dealing on a future day with any matter which is on the Table of the Senate;

(o) For the reconsideration, while in the Committee of the Whole, of any clause of a Bill already agreed to;

(p) That the Senate resolve itself into a Committee of the Whole on a future day;

(q) By a minister for the immediate presentation of papers;

(r) For the ordinary adjournment of the Senate, at the close of the business of the day;

(s) Other motions of a merely formal or uncontentious character;

(t) Where notice is dispensed with by the unanimous consent of the Senate. M. 398: B. 298, 302, 527.

Explanatory Note:

Paragraph (b) redrafted for sake of clarity. Paragraph (p) is amended by deleting the words "on a future day". This amendment together with the repeal of paragraph (e) of Rule 24 is intended to accord with existing practice. Paragraph (q) amended for sake of clarity.

25A. No change.

25A. No question or amendment shall be proposed which is the same in substance as any question or amendment which,

during the same session, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded.

25B. No change.

25B. An order, resolution or other vote of the Senate may be rescinded; but no such order, resolution or other vote may be rescinded unless five days' notice be given and at least two-thirds of the senators present vote in favour of its recission: Provided that, to correct irregularities or mistakes, one day's notice only shall be sufficient.

26. Any notice containing unbecoming expressions, or which offends against any rule or order of the Senate, shall not be allowed by the Speaker to appear on the notice paper.

26. Any notice containing unbecoming expressions, or which offends against any rule or order of the Senate, if not amended by the senator giving the same, is not allowed by the Speaker to appear on the notice paper. M. 404-405: B. 295-297.

Explanatory Note:
Words "if not amended by the senator giving the same" deleted because superfluous. Words "is not" replaced by words "shall not be".

27. A motion prefaced by a written preamble is not received by the Senate.

27. No motion prefaced by a written preamble is received by the Senate.

28. No change.

28. Any senator who has made a motion may withdraw or modify the same by leave of the Senate. M. 407: B. 295.

29. Repealed.

29. No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof, and the senators in attendance on the session have been summoned to consider the same. B. 295.

Explanatory Note:
Repealed because repetitious of matter covered by Rule 23(a).

30. Repealed.

30. No motion to suspend any rule or standing order, or any part of a rule, or order, may be made, except on one day's notice, specifying the rule or order or part

thereof proposed to be suspended, and the purpose of such suspension. B. 295.

Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated.

Explanatory Note:
First paragraph repealed because repetitious of matter covered by Rule 24(a). Second paragraph repealed here but has been retained as new Rule 2A.

31. No change.

31. A motion or amendment not seconded cannot be debated or put from the Chair. B. 295 sqq.

32. A senator desiring to speak in the Senate shall rise in his place and address himself to the rest of the senators. In a Committee, the senator shall address the Chair.

32. A senator desiring to speak is to rise in his place uncovered and address himself to the rest of the senators. B. 332.

Explanatory Note:
The words "In a Committee, the senator shall address the Chair" added to clarify distinction between speaking in Senate and in a Committee. Delete "uncovered" because superfluous.

33. No change.

33. When two or more senators rise to speak, the Speaker calls upon the senator who, in his opinion, first rose in his place; but a motion may be made that any senator who has risen "be now heard" or "do now speak". M. 446: B. 334.

34. A senator may speak to any question before the Senate, a question of privilege, or upon a point of order, or upon a motion or an inquiry, or in making a mere interrogation, but not otherwise without the consent of a majority of the Senate, which shall be determined without debate.

34. A senator may speak to any question before the Senate; or upon a motion, or an amendment to be proposed by himself; or upon a question or order arising out of the debate; but not otherwise, without the consent of a majority of the Senate, which shall be determined without debate. B. 343.

Explanatory Note:
Redrafted for sake of clarity. Words "or in making a mere interrogation" added to remove apparent conflict with Rule 39.

35. No senator may speak twice to a question before the Senate, except in explanation of a material part of his speech, in which he may have been

35. No senator may speak twice to a question before the Senate, except in explanation of a material part of his speech, in which he may have been

misunderstood, and then he is not to introduce new matter.

misconceived, and then he is not to introduce new matter. M. 447: B. 334.

Explanatory Note:
Word "misconceived" deleted and word "misunderstood" substituted therefor.

36. A senator who has moved the second reading of a bill or made a substantive motion shall have a right of reply, but not otherwise.

36. A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment, the previous question, an adjournment during a debate, a motion on the consideration of Commons' amendments, or an instruction to a committee. M. 449: B. 344.

Explanatory Note:
Redrafted for sake of clarity.

37. In all cases, the final reply of the mover of the original question closes the debate. It is the duty of the Speaker to ensure that every senator wishing to speak has the opportunity to do so before the final reply.

37. In all cases, the reply of the mover of the original question closes the debate. It is the duty of the Speaker to see that every senator wishing to speak has the opportunity to do so before the final reply.

Explanatory Note:
The word "final" is added in the first sentence to qualify the word reply. The expression "final reply" is intended to ensure that replies to oral questions, queries, or interrogations made during the course of debate shall not be construed as "the reply of the mover" which closes the debate. The "reply of the mover" is the "final reply".

38. No change.

38. It shall be competent to a senator, when he seconds a motion or amendment, or moves an order of the day, without speaking to it, to address the Senate on the subject of such motion, amendment or order of the day, at any subsequent period of the debate. M. 449: B. 345.

39. No debate is in order on a mere interrogation; but brief explanatory remarks may be made by the senator making the interrogation and by the senator

39. No debate is in order on a mere inquiry; but explanatory remarks may be made by the senator making the inquiry, and by the minister or other senator answering the same. Observa-

answering the same. Observations upon any such answer are not allowed.

tions upon any such answer are not allowed. B. 310.

Explanatory Note:
Redrafted in order to clarify ambiguity that might arise with the use of the word "inquiry", and to accord with the definition of "inquiry" in Rule 4.

40. When it is intended to make a statement or raise a discussion, the senator having such intention, as part of the notice under Rule 21, gives notice that he will call attention to the matter inquired into.

40. When it is intended to make a statement or raise a discussion on asking a question, the senator having such intention, as part of the notice under Rule 21, gives notice that he will call attention to the matter inquired into. B. 310, sq.

Explanatory Note:
The words "on asking a question" are deleted for sake of clarity.

41. No change.

41. Whenever a matter or question directly concerning the privileges of the Senate or of any committee or member thereof, has arisen, a motion calling upon the Senate to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as Orders of the Day. M. 382, 397: B. 302, sq.

42. Any senator complaining to the Senate of a statement in a newspaper, magazine, periodical, on radio or television or any form of public news media, as a breach of privilege, shall specify the matter complained of, the source, and the nature of the breach of privilege.

42. Any senator complaining to the Senate of a statement in a newspaper as a breach of privilege, shall produce a copy of the paper containing the statement in question. M. 135: B. 63.

Explanatory Note:
Amended to extend to all forms of public news media and to simplify the manner of complaining to the Senate.

43. No change.

43. Any senator may require the question under discussion to be read at any time during the debate, but not so as to interrupt any other senator while speaking. B. 353.

44. (1) When a question is under debate, no motion is received, unless to amend it; to refer it to a committee; to postpone it to a certain day; for the previous question; or for the adjournment of the Senate.

(2) The previous question refers to a motion "that the original question be now put". Such a motion may be made on a main motion, or on a main motion as amended, but not on a motion for an amendment. When such a motion is put by the Speaker no motion to amend it is in order. It is debatable and Senators who have spoken on the main motion or on the main motion as amended may speak again to the previous question but may not move or second it. If the motion for the previous question carries, the Speaker must immediately put the original question without further debate: if it is defeated, the main motion is dropped from the Orders of the Day. The previous question may not be moved in Committee of the Whole or in any select committee.

44. When a question is under debate, no motion is received, unless to amend it; to commit it; to postpone it to a certain day; for the previous question; for reading the Orders of the Day, or for the adjournment of the Senate. B. 316, sqq. 322, sqq., 324, sq. 326.

Explanatory Note:

The words "commit it" are deleted and the words "refer it to a committee" are substituted therefor for sake of clarity and consistency with amendment to Rule 25(b). The words "for reading the Orders of the Day" are deleted because superfluous. Paragraph 2 is added to clarify the meaning of "previous question" and to detail the procedural implications of such a motion.

45. No change.

45. Any senator called to order shall sit down and shall not proceed, pending the decision of the question of order. B. 366.

46. No change.

46. All personal, sharp or taxing speeches are forbidden. M. 459: B. 360, sq.

47. No change.

47. Any senator conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to the Senate, is to appeal to the Senate for redress. M. 459: B. 360.

48. No change.

48. If a senator be called to order, for words spoken in debate; upon the demand of the senator so called to order, or of any other senator, the exceptionable words shall be taken down in writing by the Clerk at the Table. And any senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor to the satis-

faction of the Senate, will be censured or otherwise dealt with as the Senate may think fit. M. 459: B. 360-369, sqq.

49. The Senate may interfere to prevent the prosecution of any dispute between senators arising out of a debate or proceeding of the Senate, or any committee thereof.

49. The Senate may interfere to prevent the prosecution of any quarrel between senators arising out of a debate or proceeding of the Senate, or any committee thereof. M. 459: B. 360 sq.

Explanatory Note:
Word "quarrel" deleted and word "dispute" substituted therefor.

50. The Speaker stands uncovered when speaking to the Senate; and, if he proposes to address the House on any question other than a point of order or question of privilege, leaves the Chair.

50. The Speaker stands uncovered when speaking to the Senate; and, if he proposes to address the House on any question other than one of order, leaves the Chair. M. 242: B. 165, sq.

Explanatory Note:
Redrafted for sake of clarity.

51. (1) Voting in the Senate shall be as follows: the Speaker shall call for the "yeas" and "nays" and shall thereupon decide whether the motion has carried. In the absence of a request for a standing vote, his decision shall be final. Upon the request of any two senators before the Senate takes up other business, the Speaker shall call for a standing vote and the "yeas" shall first rise in their places, then the "nays". Each senator shall vote on the question openly and without debate unless for special reasons he be excused by the Senate; provided that

(a) the Speaker may vote but shall not be obliged to vote;

(b) a senator shall not be entitled to vote upon any question in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, and the vote of any senator so interested shall be disallowed;

(c) a senator who declines to vote shall assign his reasons therefor, following which the Speaker shall submit to the Senate the question; "Shall the Senator, for the reasons assigned

51. In voting, the "Contents" first rise in their places, then the "Non-contents". M. 412: B. 379.

by him, be excused from voting?" which shall be decided without debate.

(2) Questions arising in the Senate shall be decided by a majority of voices, and when the voices are equal the decision shall be deemed to be in the negative.

Explanatory Note:

Rules 51, 52, 53 and 54 inclusive, are redrafted in this new rule for sake of clarity and greater detail as to procedure. The words "Contents" and "Non-contents" are deleted and the words "yeas" and "nays" are substituted therefor to accord with modern practice. Paragraph (a) is intended to emphasize that the Speaker is not obliged to vote. Paragraph (b) is substantially the same as existing Rule 53. Paragraph (c) is substantially the same as existing Rule 54. Paragraph (2) added for sake of clarity.

52. Repealed.

52. If two senators require it, the "Contents" and "Non-contents" are entered upon the minutes: Provided the Senate shall not have taken up other business; and each senator shall vote on the question, openly and without debate; unless for special reasons he be excused by the Senate. M. 430: B. 378.

53. Repealed.

53. No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown; and the vote of any senator so interested will be disallowed. M. 439: B. 385, sqq.

54. Repealed.

54. A senator, declining to vote, shall assign reasons therefor; and the Speaker shall submit to the Senate the question,—"Shall the Senator, for the reasons assigned by him, be excused from voting?" B. 381, sq.

Explanatory Note:

Rules 52, 53 and 54 are combined with new Rule 51.

55. No change.

55. A senator will not be permitted to vote on any question, unless he is within the Bar when the question is put; and, no senator may speak to a question after the order has been given to call in the members to vote thereon, unless with the unanimous consent of the Senate; and, with the like consent, a senator may, for special reasons assigned by him, withdraw or change his vote, im-

mediately after the announcement of the division. M. 434: B. 378.

56. Repealed.

56. Any senator entering his protest or dissent to any vote of the Senate, with or without his reasons, must enter and sign the same in the Clerk's book, on the next sitting day, before the rising of the Senate. M. 428: B. 385.

Explanatory Note:
Repealed because not in accordance with existing practice.

57. Repealed.

57. Every protest is subject to the control of the Senate, and may neither be altered nor withdrawn without the consent of the Senate; nor can a senator absent when the question is put, be admitted to protest. M. 428, sq.: B. 385.

Explanatory Note:
Repealed because not in accordance with existing practice. Consequential repeal.

58. A petition shall be clearly written or printed, and signed by the petitioner.

58. Every petition is to be fairly written or printed, and signed on the sheet containing the prayer of the petition; and if there be more than three petitioners, the additional signatures may be affixed to the sheets attached to the petition. M. 838: B. 232, 583.

Explanatory Note:
Redrafted for sake of brevity and clarity.

59. No petition is received from any corporation unless it be duly authenticated and under the seal of such corporation.

59. No petition is received from any corporation aggregate, unless it be duly authenticated by the seal of such corporation. M.838: B. 232, 236, 583.

Explanatory Note:
Words "aggregate" and "by" are deleted and the expression "and under" substituted for the word "by".

60. No change.

60. Petitions signed by persons purporting to represent public meetings, can only be received as the petitions of the per-

sons whose names are affixed thereto. B. 236.

60A. (1) All Bills introduced in the Senate shall be in the English and French languages.

(2) In the preparation of a Bill amending any Statute or part thereof, the amendments shall be made by clauses which re-enact the section, subsection or other minor division as it is amended and shall not be made by clauses which add or leave out words or substitute words for others.

(3) The text of the Bill shall indicate a comparative print of that part of the Bill making the amendment and of the Statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the Bill if enacted as proposed.

(4) A memorandum by the draftsman explaining briefly the reasons for each amendment shall accompany the Bill. Whenever practicable the memorandum shall be printed on the right hand page of the Bill in paragraphs opposite the amendments referred to and numbered correspondingly.

(5) This rule shall as far as practicable apply to the reprinting of Bills.

60A. (1) In the preparation of Bills amending existing enactments the amendments shall not ordinarily be made by clauses which add or leave out words or substitute words for others, but by clauses which re-enact the section, subsection or other minor division, as it is amended.

(2) In the text of the Bill, on the left hand page, new matter shall be indicated by such typographical means as may best suit the varying circumstances of each case, such as brackets, italics, underlining, asterisks, etc. Opposite each clause, on the right hand page, the enactment amended thereby, or so much thereof as is essential, shall be printed with the proposed changes to be made therein similarly indicated.

(3) When a clause repeals an existing section, subsection or other minor division of a section, that section, subsection or division, or so much thereof as is essential, shall be printed opposite the clause.

(4) A memorandum by the draftsman explaining briefly the reasons for each clause, shall be appended to the Bill, or distributed therewith. Whenever practicable the memorandum shall be printed on the right hand page of the Bill, in paragraphs opposite the clauses referred to and numbered correspondingly.

(5) The above rules shall also as far as practicable apply to the reprinting of Bills.

Explanatory Note:

Redrafted to accord with the intent of the recent amendments to the Publication of Statutes Act. Section 11 of the Publication of Statutes Act now reads: "11. The Statutes shall be printed in the English and French languages in such form, on such paper and in such type and shall be bound in such manner as the Governor in Council may prescribe by regulation." The proposed draft of Rule 60A is intended to stand until and subject to the regulations by the Governor in Council relating to the publication of statutes. At that time, Rule 60A should be revised, if necessary, by the Committee on Standing Rules and Orders.

61. No change.

62. No change.

63. Repealed.

61. It is the right of every senator to bring in a Bill. M. 343: B. 494.

62. Immediately after a Bill is presented, it is read a first time and ordered to be printed. M. 343, 495: B. 494.

63. No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time; and no Bill

shall be read the third time the same day that the Bill is reported from the Committee. M. 497: B. 531, sq.

Explanatory Note:

Repealed because not in accordance with the existing practice. Repetitious of matters already covered by Rules 23(f), 24(b) and 25(p).

64. (1) The principle of a Bill is debated at its second reading.

(2) When a Bill is read a third time it shall be deemed to have been passed by the Senate and there shall be no further debate or amendment.

64. The principle of a Bill is usually debated at its second reading. M. 497: B. 509.

Explanatory Note:

Word "usually" is deleted in para. (1). Para. (2) added to simplify procedure.

65. No change.

65. A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof, already passed. B. 526.

66. No change.

66. In any case where a Bill originating in the Senate and amended in the Commons, is returned to the House of Commons with any of the amendments made by the Commons disagreed to, or where a Bill originating in the Commons has been amended in the Senate, and has been returned to the Senate with any of the Senate amendments disagreed to, and the Senate decides to insist on such amendments, or any of them, and returns the Bill to the Commons, the message accompanying such Bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Commons, or for the Senate insisting on its own amendments, as the case may be; and such reasons shall be drawn up by a committee of three senators, to be appointed for the purpose when the Senate decides to disagree to, or insist on, as the case may be, the amendments in question. M. 509, 580-591: B. 275, 534, sq.

67. No change.

67. In cases in which the Commons disagree to any amendments made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the

Commons for their disagreeing or insisting (as the case may be) by Message, without a conference; unless at any time the Commons should desire to communicate the same at a conference. M. 509, 580-591: B. 275, 534, sq. Any conference between the Houses may be a free conference. M. 590, sq.: B. 275.

68. Repealed.

68. Orders of the Day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority.

Explanatory Note:
Repetitious of matter already covered by Rule 20.

69. No change.

69. When a Bill originating in the Senate, has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate during the same session. M. 521: B. 328, 329, 546, sqq.

70. No change.

70. The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the Queen's representative. M. 804: B. 413.

71. No change.

71. To annex any clause to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the Bill, is unparliamentary. M. 812: B. 290, 443.

72. No change.

72. When the Senate is put into Committee every senator is to sit in his place. B. 392.

73. (1) The Rules of the Senate shall apply in Committee of the Whole with the following exceptions:

(a) The Rules limiting the number of times of speaking shall not apply;

(b) A motion for the previous question or for an adjournment shall not be received;

(c) Arguments against the principle of the bill shall not be admitted;

(2) A senator may at any time move "that the Chairman leave the Chair" or "that the Chairman report progress and ask leave to sit again." Either motion shall be decided forthwith without debate and if resolved in the negative the motion shall not be re-introduced unless

73. The rules of the Senate are observed in a Committee of the Whole, except the rules limiting the number of times of speaking; and no motion for the previous question, or for an adjournment, can be received; but a senator may at any time move that the Chairman leave the Chair, or report progress and ask leave to sit again. M. 606-610: B. 392, sq.

some intermediate proceeding has taken place. If the motion "that the Chairman leave the Chair" is resolved in the affirmative, the Chairman shall at once leave the Chair, make no report to the Senate, and the bill or other matter referred to the Committee shall be removed from the order paper.

Explanatory Note:
Existing Rules 73, 74 and 75 are included under the proposed new Rule 73.

74. Repealed.	74. No arguments are admitted against the principle of a Bill in a Committee of the Whole. M. 607: B. 392, 521.
75. Repealed.	75. When the Senate is put into a Committee of the Whole, the sitting of the Senate is not resumed without the unanimous consent of the Committee, unless upon a question put by the senator who is in the Chair of such Committee. M. 506: B. 393.

Explanatory Note:
Rules 74 and 75 repealed and combined with proposed new Rule 73.

76. No change.	76. The proceedings of the Committee are entered in the Journals of the Senate. M. 610: B. 393.
77. (1) At the commencement of each Parliament, a Committee of Selection consisting of nine senators named by the Senate shall be appointed whose duty it shall be to nominate the Senators to serve on the several Standing Committees. (2) Unless and until otherwise ordered by the Senate, the Senators so nominated shall serve for the duration of that Parliament. (3) Unless and until otherwise ordered by the Senate, the Senators serving on the several Standing Committees on the coming into force of these Rules shall serve for the balance of the twenty-eighth Parliament.	77. At the commencement of each Session a Committee of Selection, consisting of nine senators named by the Senate, shall be appointed, whose duty it shall be to nominate the senators to serve on the several Standing Committees.

Explanatory Note:
It is recommended that Standing Committees be appointed for the duration of a Parliament rather than the duration of a Session only.

Rules 78 to 82 have already been dealt with by the Senate in the Third Report of your Committee adopted by the Senate on November 19th, 1968. The following further amendment only is recommended:

78. (1) The Standing Committees shall be as follows: 4. The Committee on Standing Rules and Orders, composed of twenty members, five of whom shall constitute a quorum, which is empowered on its own initiative to propose to the Senate amendments to the Rules from time to time.	78. The Standing Committees shall be as follows: 4. The Committee on Standing Rules and Orders, composed of twenty members, five of whom shall constitute a quorum.

Explanatory Note:

The words "which is empowered on its own initiative to propose to the Senate amendments to the Rules from time to time" are added to conform with the recommendation of your Committee that the Committee on Standing Rules and Orders keep under constant study the Rules and recommend periodic revisions thereto without the necessity of special reference by the Senate.

83. No change.	83. The senators to serve on a Special Committee may be nominated by the mover; but, if three senators so demand, they shall be selected as follows: Each senator shall vote openly for one senator to serve as a member of such Committee, and those senators for whom the largest number of votes are given shall constitute the Committee. M. 612: B. 459.
84. A senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the matter referred to any Select Committee, shall not sit on such Committee and any question of interest arising in the Committee may be determined by the Committee, subject to an appeal to the Senate.	84. No senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the inquiry to be entrusted to any Select Committee, shall sit on such Committee, and any question of interest arising in the Committee may be determined by the Committee, subject to an appeal to the Senate. M. 439: B. 389.

Explanatory Note:

The words "in the inquiry to be entrusted to" are deleted and the words "in the matter referred to" are substituted therefor for the sake of clarity. The word "inquiry" is too restrictive.

85. No change.	85. A select committee may adjourn from time to time, and, by order of the Senate from place to place, and, where the Senate adjourns for less than a week,

may sit on those days over which the Senate is adjourned; provided that, in the last case, notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

By order of the Senate any select committee may meet during an adjournment of the House which exceeds a week. M. 618, 622: B. 467.

86. A select committee shall not sit during a sitting of the Senate.

86. No select committee may sit during a sitting of the Senate. M. 622: B. 466.

Explanatory Note:
Reworded for sake of clarity.

86A. All questions before select committees shall be decided by majority vote including the vote of the Chairman; and whenever the votes are equal, the decision shall be deemed to be in the negative.

86B. A report of any select committee shall contain the conclusions agreed to by the majority, and shall not reflect minority or individual opinions.

86C. A motion made in any select committee shall not require a seconder.

86D. A select committee may appoint from among its members such subcommittees as it may deem desirable which shall report back to the committee. The rules applicable in the committee shall apply, *mutatis mutandis*, in the subcommittee.

Explanatory Note:
86A, 86B, 86C and 86D are new Rules added for the sake of clarity.

87. (1) A report from a select committee shall be presented by the Chairman of the Committee or by a senator designated by the Chairman.

(2) When a report is presented to the Senate it shall be received without debate.

(3) When the report by its own terms is for the information only of the Senate, it may on motion be placed on the

87. Upon the presentation of a report no discussion takes place; but the report may be ordered to be printed, with the documents accompanying it; or it may be placed on the Orders of the Day for future consideration, or laid on the Table. M. 638: B. 476, sq.

This rule does not necessarily apply to the reports of Select Standing Committees upon Private Bills referred to them

Orders of the Day for future consideration or laid on the Table.

(4) When the report is on a Bill without amendment, it shall stand adopted without any motion, and the senator in charge of the Bill shall move that it be read a third time on a future day.

(5) When the report recommends amendments to a Bill or recommends proposals which require legislative implementation by the Senate, a motion to adopt the report shall be in order: Provided that, where the recommended amendments or proposals which require legislative implementation are substantial, consideration of the report shall be postponed to a future day.

in the ordinary course of business. B. 476, 614.

Explanatory Note:

Redrafted for greater detail and for sake of clarity.

88. No change.

88. Subject to the provision of Rule 84, a senator on whose motion any Bill, Petition or question is referred to a Special Committee, shall, if he so desire, be one of the Committee. M. 466: B. 459.

89. On every report of amendments to a Bill made from a committee, the senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

89. On every report, made from a committee, of amendments to a Bill, the senator presenting the report is to explain to the Senate the effect of each amendment. B. 476.

Explanatory Note:

Reworded for sake of clarity with the following words added in the last sentence "the basis for and" to read in the last line "the basis for and the effect of each amendment".

90. Repealed.

90. It is the duty of the Clerk to cause to be posted up in some conspicuous part of the Senate a list of the several Standing and Special Committees appointed during the session. B. 463.

Explanatory Note:

Repealed because unnecessary with modern forms of communication and practice.

91. The Clerk of the Senate is authorized to pay every witness invited or summoned to attend before a select com-

91. The Clerk of the Senate is authorized to pay every witness summoned to attend before a committee, a reasonable

mittee a reasonable sum for his living and travelling expenses, upon the certificate of the Clerk of the Committee attesting to the fact of the witness' attendance before the Committee by invitation or summons.

sum for his living and travelling expenses, upon the certificate or order of the chairman of the committee before which he shall have been summoned; and no witness shall be so summoned and paid, unless a certificate shall first have been filed with the chairman by a member of the committee stating that the evidence of such witness is, in his opinion, material and important; and no witness residing at the seat of Government shall be paid for his attendance. M. 675: B. 483.

Explanatory Note:

Redrafted for simplicity and to create a more effective procedure. The committee summons or invites the presence of a witness. The Clerk of the Committee and not the Chairman should certify to the Clerk of the Senate the fact of the witness' attendance before the committee by invitation or summons.

91.A Within sixty days following its report to the Senate, a select committee shall report to the Senate with reasonable detail the expenses incurred by that committee in its work.

Explanatory Note:

It is recommended that a select committee report to the Senate the expenses it incurs in carrying out its work. The sixty-day period is to permit the committee to make its report without being delayed by the report of expenses. This is a new Rule.

92. The Clerk of the Senate shall arrange for the transmission of messages from the Senate to the House of Commons and for the reception by the Senate of messages from the House of Commons.

92. One of the Clerks of either House may be bearer of messages from one House to the other. M. 834: B. 272.

Explanatory Note:

Redrafted for the sake of clarity. This proposed Rule combines the existing Rules 92 and 93.

93. Repealed.

93. Messages so sent are received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding. M. 834: B. 272.

Explanatory Note:

Combined with proposed Rule 92.

94. No change.	94. When the attendance of a senator, or any of the officers, clerks or servants of the Senate is desired, to be examined by the Commons, or to appear before any committee thereof, a message is sent by the Commons, to request that the Senate will give leave to such senator, officer, clerk or servant to attend; and if the Senate grant leave to such senator, he may go, if he think fit; but it is not optional for such officer, clerk or servant to refuse. Without such leave, no senator, officer, clerk or servant of the Senate shall, on any account, under penalty of being committed to the Black Rod or to prison during the pleasure of the Senate, go down to the House of Commons, or send his answer in writing, or appear by counsel to answer any accusation there. B. 273, 481.
95. A senator shall not speak at a Conference with the House of Commons unless he is one of the Committee.	95. None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything from such Conference is reported, the senators of the Committee are to stand up. B. 279.

Explanatory Note:

Reworded for sake of clarity and the following words are deleted "and when anything from such Conference is reported, the senators of the Committee are to stand up". This requirement is outdated.

96. The Journals of the Senate may be searched by the House of Commons, as the Journals of that House may be searched by the Senate.	96. The Journals of the Senate, according to Parliamentary usage, may be searched by the House of Commons, as the Journals of that House may be searched by the Senate. M. 264: B. 187.

Explanatory Note:

The words "according to Parliamentary usage" are deleted because superfluous.

97. No change.	97. Seats are reserved without the Bar of the Senate Chamber, for Members of the House of Commons who may be desirous of hearing the debates.
98. No change.	98. A copy of the Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to the Governor General. B. 170.
99. No change.	99. The Journals are to be bound in annual volumes with full indexes, as soon as may be after each session. B 170.

100. The printing or publishing of anything relating to the proceedings of the Senate shall be as ordered by the Senate.	100. All papers laid on the Table, stand referred to the Joint Committee on Printing, who decide and report whether they are to be printed. B. 254.

Explanatory Note:

This Rule is intended to eliminate all doubts concerning the printing of documents as appendices to our Debates and Journals. This Rule would equally apply to documents that may concern both Houses of Parliament.

101. No change.	101. Accounts and papers may be ordered to be laid on the Table, and the Clerk shall communicate to the senator having the conduct of government business all orders for papers made by the Senate; and such papers when returned shall be laid on the Table. B. 242, sq.
102. No change.	102. When the Royal Prerogative is concerned in any account or paper, an Address is presented to the Governor General praying that the same may be laid before the Senate. B. 245, sq.
103. The Clerk shall lay before the Senate on or before the thirty-first day of May, or if the Senate is not sitting within fifteen days after the recommencement of the next sitting, a detailed statement of his receipts and disbursements for each fiscal year.	103. At the beginning of every session, the Clerk is to lay before the Senate, on the day following the appointment of the Committee on Internal Economy and Contingent Accounts, and as often thereafter as he may be required to do so, a detailed statement of his receipts and disbursements, since the last audit, with vouchers in support thereof.

Explanatory Note:

Redrafted to accord with modern practice since the Treasury Office and the Auditor General both perform an audit on Senate accounts. It seems unnecessary to have this function repeated by the Senate.

104. No change.	104. If for two consecutive Sessions of Parliament, any senator has failed to give his attendance in the Senate, it shall be the duty of the Clerk to report the same to the Senate; and the question of the vacancy arising thereupon, shall with all convenient speed be heard and determined by the Senate. B. 109, 111.
105. No change.	105. Within the first twenty days of the first session of each Parliament, every member of the Senate shall make and file with the Clerk, a renewed declaration of "Property Qualification," in the form prescribed in the fifth Schedule annexed

to the British North America Act, 1867; and the Clerk shall, immediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the Senate a list of the senators who have complied with this rule. B. 110.

106. The Clerk of the Senate shall, during each recess of parliament, publish weekly in the *Canada Gazette*, the following rules respecting notices of intended applications for Private Bills; and the substance thereof in the official gazette of each province.

106. The Clerk of the Senate shall, during each recess of parliament, publish weekly in the *Canada Gazette*, the following rules respecting notices of intended applications for Private Bills; and the substance thereof in the official Gazette of each province. The Clerk shall also announce, by notices affixed in the committee rooms and lobbies of the Senate, by the first day of every session, the times limited for receiving Petitions for Private Bills and Private Bills, and reports thereon. B. 591, sq.

Explanatory Note:
Second sentence deleted. Superfluous in view of amendments to subsequent Rules.

107. (1) All applications to parliament for Private Bills of any nature whatsoever, shall be advertised by notice published in the *Canada Gazette*. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of the party signing the same; and, when the application is for an Act of Incorporation, the name of the proposed company shall be stated in the notice.

(2) In addition to the notice in the Canada Gazette aforesaid,

(a) where the application is for an Act
(i) to incorporate a company or to amend an existing Act relating to a company whose objects relate to transport and communications generally, including airlines, pipelines, telecommunications, railways, or canals, or whose objects relate to the construction of any works;
(ii) to obtain any exclusive rights or privileges; or
(iii) to extend the powers of a company or to increase or reduce the capital stock, or to alter bonding or other borrowing powers, or to make any amend-

107. All applications to parliament for Private Bills of any nature whatsoever, shall be advertised by notice published in the Canada Gazette. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of the party signing the same; and, when the application is for an Act of Incorporation, the name of the proposed company shall be stated in the notice.

In addition to the notice in the Canada Gazette aforesaid a similar notice shall be given as follows:—

A. When the application is for an Act to incorporate,

1. A Railway or Canal Company,—In some leading newspaper published in the principal city, town or village in each county or district through which the proposed railway or canal is to be constructed.

2. A Telegraph or Telephone Company,—In a leading newspaper in the principal city or town in each province or territory in which the company proposes to operate.

3. A company for the construction of any works which in their construction or

ments which would in any way affect the rights or interests of the shareholders or bond-holders or creditors of the company;

a similar notice shall be given in a leading news publication with substantial circulation in the area concerned and in the official Gazette of the province concerned; and

(b) if the works or the objects of any such company are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice by registered mail to the departments of government concerned, whether federal, provincial or municipal, not less than two weeks before the consideration of the petition by the Committee on Standing Rules and Orders.

(3) The notices required by this Rule to be published in the Canada Gazette, the official Gazette of the province concerned, and in a leading news publication, shall be published at least once a week for a period of four weeks and shall be in the English and French languages when reasonably required in accordance with the population composition of the area or province concerned.

operation might specially affect a particular locality, or for obtaining any exclusive rights or privileges, or for doing any matter or thing which in its operation would affect the rights or property of others,—In a leading newspaper in the particular locality or localities which may be affected by the proposed Act.

4. A Banking Company; an Insurance Company; a Trust Company; a Loan Company, or an Industrial Company, without any exclusive powers,—In the Canada Gazette only.

5. And, if the works of any company (incorporated or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each county council and of each municipal corporation which may be specially affected by the construction or operation of such works, and also, to the secretary of the province in which such works are, or may be located; and proof of compliance with this requirement by the applicants shall be established by statutory declaration.

B. When the application is for the purpose of amending an existing Act,

1. For an extension of any line of railway, or of any canal; or for the construction of branches thereto,—the same *mutatis mutandis* as for an Act to incorporate a railway or canal company.

2. For an extension of the time for the construction or completion of any line of railway, or of any canal, or of any telegraph or telephone line, or of any other works already authorized,—In a principal newspaper in the place where the head office of the company is, or is authorized to be.

3. For the extension of the powers of a company (when not involving the granting of any exclusive rights) or for the increase or reduction of the capital stock of any company; or for increasing or altering its bonding or other borrowing powers; or for any amendment which would in any way affect the rights or interests of the shareholders or bond holders or creditors of the company,—In a principal newspaper in the place

where the head office of the company is situated.

C. All such notices, whether inserted in the Canada Gazette or in a newspaper, shall be published at least once a week for a period of four consecutive weeks; and when published in the Provinces of Quebec and Manitoba shall be in both the English and French languages; and marked copies of each issue of all newspapers containing any such notice shall be sent to the Clerk of the Senate, endorsed "Private Bill Notice"; or, a statutory declaration as to due publication may be sent in lieu thereof.

Every notice by registered letter shall be mailed in time to reach the secretary of the province and the clerk of each county council and municipal corporation not less than two weeks before the consideration of the petition by the Committee on Standing Orders; and a statutory declaration establishing the fact of such mailing shall be sent to the Clerk of the Senate. B. 589, sqq.

107. (4) The applicants shall prove compliance with this Rule by statutory declaration filed with the Clerk of the Senate.

Explanatory Note:
Redrafted for sake of clarity and to accord with modern practice.

108. Repealed.

108. No petition praying for the incorporation of a railway company, or of a canal company, or for an extension of the line of any existing or authorized railway or canal, shall be considered by the Standing Orders Committee, until there has been filed with the Committee a map or plan, showing the proposed location of the works, and each county, township, district or municipality through which the proposed railway or canal, or any branch or extension thereof, is to be constructed. B. 598.

Explanatory Note:
Repealed because obsolete.

109. Repealed.

109. In the event of promoters not being ready to proceed with their measures when the same have been twice called on two separate occasions for consideration by the Committee, such measures shall be reported back to the Senate forthwith, together with a statement of the facts and the recommendation of the Committee.

Explanatory Note:
Repealed because obsolete.

110. Repealed.

110. Petitions for private bills shall only be received by the Senate if filed with the Clerk of the Senate within the first six weeks of the Session, and every private bill originating in the Senate shall be presented to the Senate within two weeks after the petition therefor has been favourably reported upon by the Examiner of Petitions or by the Committee on Standing Orders, and no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on Standing Orders recommending such suspension.

This Rule, Rule 107, and Rules 111 to 122, both included, do not apply to Bills of Divorce or to Petitions for such Bills, except in cases where no special provision is hereafter made, and which fall under Rule 151.

Explanatory Note:
Repealed because obsolete.

111. (1) The Chief Clerk of Committees shall be the Examiner of Petitions for private bills.

(2) Petitions for private bills when received by the Senate shall be considered by the examiner. When a petition is without defect, the examiner shall so report to the Senate. When a petition is defective, the examiner shall so report to the Committee on Standing Rules and Orders stating that in his opinion the petition is defective and specifying the nature of such defects which shall be taken into consideration,

111. (1) The Chief Clerk of Committees shall be the Examiner of Petitions for private bills.

(2) Petitions for private bills (other than petitions for Bills of Divorce), when received by the Senate, are to be taken into consideration by the examiner who shall report to the Senate in each case the extent to which the requirements of the standing orders regarding notice have been complied with; and in every case where the notice is reported by the examiner to have been insufficient or otherwise defective, or if he

without special reference, by the Committee on Standing Rules and Orders. The said Committee shall study the report of the examiner and report thereon to the Senate and shall recommend to the Senate the course to be taken in consequence of any defect.	reports that there is any doubt as to the sufficiency of the notice as published, the petition, together with the report of the examiner thereon, shall be taken into consideration, without special reference, by the Committee on Standing Orders, which shall report to the Senate as to the sufficiency or insufficiency of the notice, and where the notice is deemed insufficient or otherwise defective, shall recommend to the Senate the course to be taken in consequence of such deficiency or other defect. B. 588.

Explanatory Note:

Redrafted to conform with modern practice and for sake of clarity.

112. No Change.	112. No motion for the suspension of the rules upon any Petition for a Private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders. B. 586.
113. No change.	113. Every Private Bill is introduced on Petition, and presented to the Senate after the Petition has been favourably reported on by the Committee on Standing Orders, or the Examiner of Petitions.
114. Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate, and the printing of 800 copies in English and 300 in French. The applicants shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is referred, a sum of $200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the Clerk of such Committee.	114. Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate, and the printing of 600 copies in English and 200 in French. The applicants shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is referred, a sum of $200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the Clerk of such Committee. B. 585, 602. The fee payable on the second reading of any Private Bill is paid only in the House in which it is introduced.

Explanatory Note:

The number of copies to be printed in English and French is increased from 600 and 200 to 800 and 300 respectively to accord with existing practice. This Rule, however, is to be revised, if necessary, after consultation with House of Commons concerning cost to applicant for Bill and desirability that all private Bills originate in the Senate.

115. Any Private Bill shall, if demanded by two senators, when read the first time, be referred to the Senate Committee on Legal and Constitutional Affairs to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

115. Any Private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces. B. 571.

Explanatory Note:
Redrafted to accord with new committee structure.

116. No change.

116. At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such Bill expressed in the Order of Reference. B. 570, 600.

117. Every Private Bill, after its second reading, shall be referred to a committee; and any representations before the Senate for or against such Bill stand referred to such committee.

117. Every Private Bill, after its second reading, is referred to one of the Standing Committees on Private Bills; and all petitions before the Senate, for or against such Bill, are considered as referred to such Committee. B. 588, 600, 606.

Explanatory Note:
Reworded for sake of clarity. Words "on Private Bills" deleted because superfluous. Words "all petitions" deleted and substituted by "any representations" for sake of clarity. Words "are considered as" deleted and the word "stand" is substituted therefor for sake of clarity.

118. Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Standing Rules and Orders in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee. B. 620.

118. Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Standing Orders in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee. B. 620.

Explanatory Note:
Words "Rules and" added so that expression "Standing Orders" shall read "Standing Rules and Orders".

119. A Committee on any Private Bill originating in the Senate (of which notice is

119. No Committee on any Private Bill originating in the Senate (of which notice

required to be given) shall not consider the same until after one week from the date of referral to such committee; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours.

is required to be given), is to consider the same until after one week's notice of the sitting of such Committee has been posted up in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours' like notice. B. 605.

Explanatory Note:

Redrafted in a positive way for sake of clarity and to accord with modern practice. Expression "has been posted up in the lobby" deleted accordingly.

120. A "Private Bill Register" shall be kept, in which shall be entered the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such register shall be open to public inspection, daily during office hours.

120. A book, to be called the "Private Bill Register", shall be kept, in which book shall be entered by a clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book shall be open to public inspection, daily during office hours. B. 601.

Explanatory Note:

Redrafted to accord with modern practice.

121. The Clerk shall cause lists of all Private Bills to be prepared daily by the clerks of the committees to which the same are respectively referred; and the time and place of each committee meeting shall be specified in such lists which shall be posted in the lobby.

121. The Clerk shall cause lists of all Private Bills, and Petitions relating thereto, to be prepared daily by the clerks of the committees to which the same are respectively referred; and the time when and the room wherein each committee is to meet shall be specified in such lists, which shall be hung up in the lobby. B. 605, sq.

Explanatory Note:

The expression "and Petitions relating thereto" is deleted because not in accordance with existing practice. The words "hung up" are deleted and the word "posted" substituted therefor. Otherwise redrafted for simplicity.

122. Any person whose interests may be affected by a Private Bill

(a) may appear before the Select Committee to which such Bill has been

122. All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Select Committee to which

referred, or may make comments to the Committee in writing and

(b) if required to do so by the Committee, shall appear before the Committee.

such Bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a company may require proof that the persons whose names appear in the Bill, as composing the company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated. B. 607.

Explanatory Note:
Redrafted for sake of clarity.

123. Repealed.

123. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the chairman; and whenever the voices are equal, the decision shall be deemed to be in the negative. B. 606.

Explanatory Note:
Repealed because superfluous as this Rule covers matters already covered by new Rule 86A.

124. Repealed.

124. It is the duty of the Committee to which any Private Bill has been referred by the Senate, to call the attention of the Senate specially to any provision inserted in such Bill, which does not appear to have been contemplated in the notice for the same as reported upon by the Committee on Standing Orders, or the Examiner of Petitions.

It is the duty of the Law Clerk to report, for the information of the Committee, on any such provision.

Explanatory Note:
Repealed because the current practice of examination of petitions by the Chief Clerk of Committees and the Law Clerk of the Senate covers all situations. Therefore Rule 124 should not be the obligation of a committee reporting to the Senate.

125. The Committee to which a Private Bill has been referred shall report the same to the Senate, in every case; and when any amendment has been made in the Bill, such amendment shall be stated in the Report.

125. The Committee to which a Private Bill has been referred shall report the same to the Senate, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration and the reasons for the same are to be stated in the Report. B. 614.

Explanatory Note:
Words "Preamble of the" are deleted because superfluous and not in accordance with existing practice. Words "and the reasons for the same" deleted because superfluous. Words "are to" are deleted and the word "shall" substituted therefor. Word "amendment" replaces "material alteration".

126. When a Committee to which a Bill has been referred considers that the Bill should not be proceeded with further in the Senate, it shall so report to the Senate, stating its reasons; and if the motion for the adoption of the Report is carried, the Bill shall be removed from the order paper.

126. When the Committee on any Private Bill report to the Senate that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds on which they have arrived at such decision; and no Bill so reported on shall be placed on the Orders of the Day, unless by special order of the Senate. B. 609.

Explanatory Note:
Consequential amendment in accordance with practice and following amendment to Rule 125.

127. The Chairman of the Committee shall sign or initial, a printed copy of the Bill on which the amendments are clearly written, and shall also sign or initial, the several amendments made and clauses added in Committee, to be attached to the Report; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed.

127. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the amendments are fairly written, and shall also sign with the initials of his name, the several amendments made and clauses added in Committee, to be attached to the Report; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed. B. 608, sq.

Explanatory Note:
Rule reworded to permit initialling instead of signing.

128. A Private Bill reported from a Select Committee shall not be referred to a Committee of the Whole, unless the Senate otherwise orders.

128. Unless the Senate otherwise orders, a Private Bill reported from a Standing or Special Committee is not committed to a Committee of the Whole. B. 615.

Explanatory Note:
Redrafted for the sake of clarity.

129. A Private Bill shall not be read a third time the same day on which it is reported from a Committee.

129. No Private Bill shall be read a third time the same day on which it is reported from a Committee. B. 616.

Explanatory Note:
Redrafted in a positive way.

130. An important amendment may not be proposed to any Private Bill in a Committee of the Whole or at the third

130. No important amendment may be proposed to any Private Bill, in a Committee of the Whole, or at the Third Read-

reading of the Bill unless notice of the same shall have been given on a previous day.

ing of the Bill, unless notice of the same shall have been given on a previous day. B. 618.

Explanatory Note:
Reworded in a positive way.

131. When a Private Bill is returned from the House of Commons with important amendments, such amendments shall be, previous to their consideration by the Senate, referred to a Committee of the Whole, or to the Select Committee to which such Bill was originally referred.

131. When any Private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a Committee of the Whole, or to the Select Committee to which such Bill was originally referred. B. 618, 623.

Explanatory Note:
Reworded for sake of clarity and to conform to existing practice.

132. No change.

132. Except as herein otherwise provided, the rules relating to Public Bills apply to Private Bills.

THE SENATE

Friday, November 29, 1968

The Senate met at 11 a.m., Hon. Maurice Bourget, P.C., Speaker *pro tem*, in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker *pro tem* informed the Senate that he had received the following communication:

GOVERNMENT HOUSE

Ottawa

29 November 1968

Sir,

I have the honour to inform you that the Right Hon. J. R. Cartwright, P.C., M.C., Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 29th November, at 12.45 p.m. for the purpose of giving Royal Assent to certain Bills.

I have the honour to be,
Sir,
Your obedient servant,
Louis-Frémont Trudeau
Brigadier General
Assistant Secretary to the
Governor General.

The Honourable
The Speaker of the Senate,
Ottawa.

THE HON. THE SPEAKER

CONDOLENCES ON FAMILY BEREAVEMENT

Hon. A. Hamilton McDonald: Honourable senators, before we proceed with the business of the day, perhaps it would be appropriate for me to mention the reason for the absence of his Honour the Speaker. I am sure all honourable senators are aware that his mother passed away yesterday, about the time the sitting was concluded.

On behalf of the Senate I extend to His Honour the Speaker and the members of the Deschatelets family our sympathy and condolences in their bereavement.

DOCUMENTS TABLED

Hon. A. Hamilton McDonald tabled:

Statutory Orders and Regulations published in the *Canada Gazette*, Part 11, of Wednesday, November 27, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

ADJOURNMENT

Hon. A. Hamilton McDonald: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Monday, December 9, 1968, at 8 o'clock in the evening.

BUSINESS OF THE SENATE

Honourable senators, the honourable Leader of the Opposition (Hon. Mr. Flynn) yesterday asked what work might be before the house when we return on December 9, and I have the following information that I should like to give.

When the Senate resumes a week from next Monday we shall continue the debate on Senator Hayden's inquiry calling the attention of the Senate to certain sections of the British North America Act, 1867, and the effect of such sections on the initiation of legislation in the Senate. We shall continue the debate on the inquiry of Senator Connolly (Ottawa West) calling the attention of the Senate to the 14th General Conference of the Commonwealth Parliamentary Association.

We would like to conclude the debate on second reading of Bill S-19, an act to amend the Navigable Waters Protection Act, to deal with it in committee and to have the bill read a third time and sent to the other place.

Bill S-20, an act to amend the Copyright Act, is on the Order Paper for second reading, and Senator Urquhart will be prepared to move second reading on December 9.

The debate on second reading of Bill S-17, an act respecting Investment Companies, will continue. I understand there are several senators who would like to speak on this legislation.

We hope to have Bill C-131, an act to amend the Customs Tariff, from the other place, and perhaps one other bill.

Senator Macnaughton will call the attention of the Senate to the Canada-United States

Interparliamentary Group Meeting in Washington and New Orleans, and Senator Desruisseaux will speak on the Interparliamentary Union Meeting in Peru in September last.

Senator Davey has given notice that he will move the appointment of a special committee of the Senate to consider and report upon the ownership and control of the major means of mass public communication in Canada, and it is hoped to proceed with this motion at that time.

The Special Committee on Science Policy will be holding meetings. I expect that the new committee on poverty in Canada will be selected and that perhaps an organization meeting will be held during that week. It is hoped that the Finance Committee will continue to examine the Estimates, and that other standing committees will meet to deal with whatever legislation is referred to them.

Some honourable senators may wonder why we should meet on Monday evening rather than on Tuesday evening. This is only to accommodate a number of honourable senators who may wish to attend a function to be held on the Tuesday evening. Our sitting on Monday evening would mean that we would not have to sit on Tuesday evening. In the event that we are able to complete our work before the end of the week, appropriate action will be taken.

Motion agreed to.

CANADA EVIDENCE ACT

BILL TO AMEND—THIRD READING

Hon. Eric Cook moved the third reading of Bill S-3, to amend the Canada Evidence Act.

Motion agreed to and bill read third time and passed.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL, 1968

THIRD READING

Hon. Azellus Denis moved the third reading of Bill C-124, to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company and by Air Canada.

Motion agreed to and bill read third time and passed.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 391 to 438 inclusive, which were presented yesterday.

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 391, for the relief of David Borden Hughes.

Resolution 392, for the relief of Roy Smith.

Resolution 393, for the relief of Marion Martin MacKinnon Jean.

Resolution 394, for the relief of Adjutor Bacon.

Resolution 395, for the relief of Lilly Margot Andersen Dyke.

Resolution 396, for the relief of Lois Thelma Tinkoff Mintz.

Resolution 397, for the relief of Mavis Carol Mendelsohn Waxman.

Resolution 398, for the relief of Ronald Thomas Edwin Hodgson.

Resolution 399, for the relief of Ethel Mae McCullough Ray.

Resolution 400, for the relief of Clement Jean Louis Hebert.

Resolution 401, for the relief of Dorrit Neufeldova (Neufeld) Lipman Shedlack.

Resolution 402, for the relief of Marie Madeleine Therese Depocas Forest.

Resolution 403, for the relief of Marie Eva Duguay McLaughlin.

Resolution 404, for the relief of Roda (Ruth) Plavinsky Liberman, otherwise known as Roda (Ruth) Plavinsky Lieberman.

Resolution 405, for the relief of Julia Katharine Duggan McNeil.

Resolution 406, for the relief of Joseph Eduin Albert Aloisio.

Resolution 407, for the relief of Geraldine Mary Reeves Clark.

Resolution 408, for the relief of Marie Nicole Clementine Bibeau Clement.

Resolution 409, for the relief of Marie Cecile Micheline Tellier Menard.

Resolution 410, for the relief of Rosalia Gutman (Guttman) Bailis.

Resolution 411, for the relief of Pamela Patricia Gornall Worontschak, otherwise known as Pamela Patricia Gornall Woronchak.

Resolution 412, for the relief of Stella Tsarouha Tzakas.

Resolution 413, for the relief of Aldythe Edson Marcou Hughes.

Resolution 414, for the relief of Joseph Georges Laramee.

Resolution 415, for the relief of June Valerie Oberst Robinson.

Resolution 416, for the relief of Paul Henri Le Blanc.

Resolution 417, for the relief of Donna Marie Conrad Clifford Boucher.

Resolution 418, for the relief of Jean Robert Demers.

Resolution 419, for the relief of Clementine Madeleine Bouchard Groleau.

Resolution 420, for the relief of Pieter Bal.

Resolution 421, for the relief of Mary Berthe Louise Sheasgreen Mitchell.

Resolution 422, for the relief of Rosalind Edith (Lolly) Wener Blutstein.

Resolution 423, for the relief of Marie Nicole Diane Chouinard Verreault.

Resolution 424, for the relief of Catherine Hiliary Trevors Mayo.

Resolution 425, for the relief of Carol Joan Begg Bouziane.

Resolution 426, for the relief of Miriam Talerman Schwartz.

Resolution 427, for the relief of Sharon Cooperberg Sherman.

Resolution 428, for the relief of Diane Linda Seaton David.

Resolution 429, for the relief of Carla Yetman Davies.

Resolution 430, for the relief of Marie Therese Yvette Moquin Drouin.

Resolution 431, for the relief of Joseph Fernand Lionel Brouillette.

Resolution 432, for the relief of Marie Charlier Broka.

Resolution 433, for the relief of Adrienne Gauthier Tremblay.

Resolution 434, for the relief of Margaret Rose Farquhar Bryant.

Resolution 435, for the relief of Shirley Dorothy Conant Blodin.

Resolution 436, for the relief of Kevin Michael Riley.

Resolution 437, for the relief of Rae Friedman Lackman.

Resolution 438, for the relief of Arthur Isidore (Isodore) Marian Domingo.

Resolutions adopted, on division.

OMBUDSMAN COMMITTEE

MOTION FOR APPOINTMENT—ORDER STANDS

On the Order:

> Resuming the debate on the motion of the Honourable Senator Croll, seconded by the Honourable Senator Roebuck, that the Senate considers it desirable to establish at an early date a committee of the Senate to be known as the "Ombudsman Committee".—Honourable Senator McDonald.

Hon. A. Hamilton McDonald: Honourable senators, this item has been standing in my name for some time. May I have your permission to have the motion stand in the name of Senator Chesley W. Carter, until December 9?

Hon. Senators: Agreed.

Order stands.

The Senate adjourned during pleasure.

At 12.40 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Right Honourable J. R. Cartwright, P.C., M.C., Chief Justice of Canada, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

> An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1968, to the 30th day of June, 1969, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company and by Air Canada.
>
> An Act respecting Atlantic Peat Moss Co. Ltd.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed

BUSINESS OF THE SENATE

Hon. Leopold Langlois: Honourable senators, before moving the adjournment of the Senate I would like to make an addition to the announcement made earlier by my colleague honourable Senator McDonald. In giving the agenda of work for the week starting December 9, we will also be called upon to consider in that week the Fourth Report of the Committee on the Rules of the Senate. This is a worthwhile addition to an already heavy work program.

The Senate adjourned until Monday, December 9, 1968, at 8 p.m.

THE SENATE

Monday, December 9, 1968

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

RESTAURANT OF PARLIAMENT

JOINT COMMITTEE—CHANGE IN COMMONS MEMBERSHIP

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons to acquaint the Senate that the name of Mr. Langlois had been substituted for that of Mr. Trudel on the Joint Committee on the Parliamentary Restaurant.

CUSTOMS TARIFF

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-131, to amend the Customs Tariff.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Salter A. Hayden, with leave of the Senate, moved the second reading of the bill.

He said: Honourable senators, Bill C-131 looks like an extremely formidable document. In the form in which it comes before us, it consists of 127 pages. So that you will not be unduly disturbed, I hasten to add that I do not intend discussing all the various items and tariff changes contained in the bill and its schedules. I will point out the main features and the principles involved, and the effect of all these changes.

I should tell you that the main purpose of the bill is to implement and to give statutory sanction to the tariff reductions that were agreed to in the Kennedy Round of negotiations, to which Canada was a party, and to the trade agreements resulting from those negotiations. All the leading industrial and trading nations and many of the smaller developing nations were at Geneva during the course of these negotiations, and the agreements were signed at Ottawa on June 30, 1967. In addition to the agreements to which I have referred, there are some consequential or housekeeping changes to which I will casually refer towards the end of my remarks.

Bill C-131 contains three sets of budget resolutions. These were tabled by the Minister of Finance in the last session of Parliament, so they have been around for a period of time. The first set was part of the budget speech presented to the other place on June 1, 1967, and involved for the most part housekeeping tariff amendments, appearing in Resolutions 1, 2 and 3 on page 4 to 8 of the resolutions appended to the budget debate contained in *Hansard* of October 22, 1968. The second set was tabled on November 6, 1967 and largely implemented the commitment that Canada made, other than those relating to chemicals and plastics. The rates therein came into effect on a provisional basis on January 1, 1968. These resolutions arising under the Kennedy Round agreements were subsequently submitted to a Commons committee. After consideration of these resolutions, the committee reported to the Commons that favourable action should be considered in relation to the resolutions. In addition, these resolutions were printed in a White Paper entitled "Canadian Tariff Concessions agreed to in the Kennedy Round Negotiations under the General Agreement of Tariffs and Trade", dated June 7, 1967.

The third set of resolutions incorporated in this bill were contained in a budget speech delivered on November 30, 1967 and dealt mainly with rates of duty and excise on spirits, beer and ale. The White Paper was tabled in the Senate, and it contained all of these resolutions implementing the agreement arrived at in Geneva on October 31, 1967. By a resolution of the Senate on December 6, 1967, the Standing Committee on Finance was authorized to examine and report on the Canadian tariff concessions contained in that White Paper. The committee heard witnesses on December 14, 1967 and February 15, 1968.

As I stated earlier, the rates of duty set out in these resolutions came into force on a provisional basis on January 1, 1968. However, Parliament was dissolved before these changes could be enacted into law. Accordingly, an order in council was passed on April 25, 1968, under the authority of section 22 of the Financial Administration Act, continuing in effect the proposed reductions in duty. It was announced also at that time, by the then minister, that collections of the increase in duties proposed on some imported products were being suspended; but when

these provisions were passed, he warned, the legislation would make the reductions and increases effective from the dates originally proposed.

Honourable senators, as the next step, the only new matter contained in Bill C-131 is the set of resolutions which you find in the Budget Speech of October 22, 1968, contained in Schedule D to this bill, and which is entitled "Chemicals and Plastics". This is to be found in Group XII, starting at page 103. If you are in a reading mood, you can continue to read about chemicals and plastics, and the rates of duty in connection therewith and the exceptions thereto, from pages 103 to 125 of the bill. I do not even wish you to assume that I have read each and every one of those, but I have read some of the important exceptions.

These rates of duty on chemicals and plastics arose by reason of recommendations made by the Tariff Board in their Reference 120, which was tabled in the House of Commons in June 1966. Canada undertook, in the Kennedy Round negotiations, to introduce the concessions not later than July 1, 1968. However, as I explained before, it was not possible to implement this undertaking by that date. Our trading partners, mainly the United States, entered into an agreement in relation to these chemicals and plastics as to reductions in duty on a number of the items in the then tariff—and labelled under their description as they appeared in the existing tariffs of that time—for a period from July 1 to December 31, 1968. Therefore, the critical date—if we are to keep the undertaking which we made at Geneva—for enacting these provisions and passing them into law, would be December 31, 1968, so as to make them effective on January 1, 1969.

Now, there are not many changes. There is a change in approach as between what the Tariff Board recommended and what is incorporated in these resolutions and in the items in Schedule D dealing with these different goods, but the purpose of the change was really to permit more flexibility. May I point out what it is? The Tariff Board had, in relation to the chemicals and plastics tariff, recommended the adoption of the so-called "Brussels Nomenclature" used by all the major trading nations, other than the United States, in relation to these two products.

I was not aware what the Brussels Nomenclature was until I read and became informed that it is a system which is recognized administratively and followed uniformly for classifying goods in headings which are grouped into chapters and sections. That grouping also has the rules and notes defining the scope and priority of the various headings. If you wish to see what I mean by that, you can, for example, look at page 103 of Schedule D in this bill. You will see there Group XII and Chapter 915. Then, as is generally the case, there is a heading giving the products to be dealt with as to rates under that heading.

Secondly, the Tariff Board recommended a long list of chemicals, produced in Canada and identified by names, with the rates of duties of 10 per cent under the British Preferential Tariff and 15 per cent under the Most-Favoured-Nation Tariff. On residual tariff items, that is, items not produced in Canada, the board's recommendation was "free" under the British Preferential Tariff and 15 per cent under the Most-Favoured-Nation Tariffs.

After representations had been made by the industry and a full study had been made of the Tariff Board recommendations, the Government, as you will see in the material which we have before us in Schedule D, varied the board's recommendations as to rates. It has incorporated a more flexible basis of rates in line with the present tariff flexibility. As I have indicated, this part of the rate structure dealing with chemicals and plastics is in Schedule D.

This proposes a 10 per cent rate under the British Preferential Tariff on certain items in the chemical section. This is the change, with authority to the Governor in Council under section 2 of this bill, which adds a new section 10A to the Customs Tariff, to lower or remove this duty from time to time. This method considerably shortens the items to be set out in the schedule.

If you look at section 10A as enacted by section 2 of the bill, you will see that Group XII refers to chapters 915, 928, and 929, which deal with chemicals, and chapter 939 which deals with plastics. Perhaps I should explain the manner in which the Brussels Nomenclature is used with the rules and explanatory notes and all these things incorporated in the actual structure of the tariff rates. Clause 4 of Bill C-131 provides a new clause 15A. We have provided for the Governor in Council by regulation to give the direction and guidance on the matter of rules, etc. The new clause 15A provides as follows:

> The Governor in Council, on the recommendation of the Minister, may from time to time by regulation prescribe

rules for, and explanatory notes to assist in resolving conflicts or doubts respecting, the interpretation of the several descriptions of goods in Group XII of Schedule A, set forth under the group designation "Products of the Chemical, Plastics and Allied Industries".

Subsection 2 of the new section 15A reads:

In the formulation of the rules and explanatory notes to be prescribed by the Governor in Council pursuant to subsection (1), the Governor in Council shall be guided, as nearly as may be, by the *Nomenclature for the Classification of Goods in Customs Tariffs* published by the Customs Co-operation Council in Brussels (commonly known as the "Brussels Nomenclature"), including the rules for the interpretation of the said Nomenclature, the section and chapter notes and the headings, and the *Explanatory Notes to the Brussels Nomenclature* published by the said Council, as amended from time to time.

So the method has been adopted—and it is certainly very flexible—that the regulations by the Governor in Council on the recommendation of the minister will provide these rules and explanatory notes for the interpreting of the sections and resolving any conflict that might develop. This is a more flexible way than having these items written into the Customs Tariff so that we would require further legislation in order to vary them.

Now, as to plastics, the same board recommended a progressive rate from resins to the more fabricated forms, and the rates proposed for goods that should be dutiable because they were competitive with Canadian-made plastics, and residual items to be generally free of duty. It was important to be in a position so far as the Canadian authorities were concerned, and this was their thinking, to provide free entry where circumstances warranted it, and higher rates on residual items other than those which the board recommended as being free of duty. Authority is given to the Governor in Council to waive, reduce or restore the duties, and also providing the conditions and the period, et cetera.

There were some other changes, as against the board recommendation, that were proposed to meet changing conditions not foreseen by the board at the time it conducted its hearings and wrote its report. These you will find in section 2 of the bill, in new paragraph 10A of the Customs Tariff Act.

As to one item, polyethylene, one of the resins, the board recommended certain rates of duty on imports. Strong representations were made to the minister that the rates recommended were not sufficiently high, but the minister did not feel that he could accept the representations of the industry, in the face of the recommendation of the board, without further examination. Accordingly, he referred back to the Tariff Board, with a fixed date for the hearing early in 1969, this question: What changes, if any, have occurred in the position of the Canadian industry using polyethylene as against the conditions that existed at the time the Board conducted its hearing and made its report; and are those changes of a nature which would warrant the change and support the position of the industry which has claimed that it is entitled to some higher measure of protection?

Having said that, may I move ahead into the next aspect, namely, the coming into force of the various portions of these rates of duty as agreed to in the Kennedy Round negotiations.

Hon. Mr. Lang: May I ask for some clarification? I take it, from my honourable colleague's remarks, that the chemicals and plastics items in the tariff schedule are being treated differently from the other items in that schedule, and differently from those agreed upon in the Kennedy Round. Could the honourable senator explain why the plastics and chemicals items are being picked out for different treatment?

Hon. Mr. Hayden: I would expect it is the state of the industry in Canada as compared to the position of the industry in the United States, which is the major exporter of these products to Canada.

When my friend suggests there has been a change in the rates from those agreed upon in the Kennedy Round, as far as my knowledge takes me, having read all this material, I cannot accept that there has been a change as between what is reflected in Schedule D and what was agreed to at Geneva. There may be some changes as between what the Tariff Board recommended and what is contained in this Schedule D.

I was about to speak about the staging. By "staging" I mean the timing, as to when these

various groupings would come into force; that is, Canada had to take its position and make the reductions in duty it had agreed to.

As to some of them, the first stage where there was a full reduction of the amount of duty that had been agreed to by Canada as a concession in its agreement with the other trading countries, full reduction was granted at once—that is, on January 1, 1968—in relation to tropical products, because this was recognized as being of considerable benefit to developing countries and, secondly, there was little in the way of competition in Canada to be harmed by this. I shall have something to say about the "machinery" part of this later.

In the second group you have chemicals and plastics which have a starting date now of January 1, 1969. The reductions on all the other items that were agreed to are stated to reach a maximum reduction over a period of four years, which makes five stages starting on January 1, 1968 and going through until January 1, 1972.

I point out that I say they will come into effect in approximately equal steps each year. You may find a few variations, so do not check me for having made such a general statement. Where fluctuations result it will be noted that the figures have been rounded out, and there are a few places in which this general rule has not been followed. For instance, there are 15 items relating to machinery, in a basket item, where there was an accelerated rate of reduction. In other words, where the existing duty was higher than 20 per cent the acceleration was in relation to the first reduction, which was down to 20 per cent, and then you have your step by step reduction of a half point per year until you reach the effective and final maximum rate agreed on, which will be 17½ per cent. In some cases if the rate were higher, there were then corresponding reductions, but always aiming ultimately at the end of the staging to getting down to 17½ per cent. I do not think it is necessary for me to say anything more on that point.

I should point out that the conference between the industrial trading nations at Geneva was made possible by the action of the then President of the United States, and from whom the proceedings took their name—the Kennedy Round of negotiations. It started out originally by seeking a multilateral agreement that would proceed as far as possible on the basis that all tariffs, and in particular tariffs on manufactured goods imported into the main trading nations, would be cut by 50 per cent. The main trading nations are those included in the group consisting of the United States, Britain, the European Common Market, Japan, and the EFTA countries of Western Europe. It was recognized that it would not be appropriate for Canada and some other countries to proceed on the basis of a general 50 per cent cut, having regard to the structure of our trade. It was agreed that we should offer selective concessions equivalent in terms of their impact on trade to those offered us by other participants.

Canada adopted this selective item-by-item approach rather than a 50 per cent linear approach, for two reasons. The first is that a large proportion of our export trade consists of foodstuffs and raw materials on which tariffs are generally low, but on which non-tariff barriers may be important, whereas our imports are largely semi-processed or fully manufactured goods which are generally subject to higher rates of duty. For this reason a linear 50 per cent cut in our tariff would have resulted in a sharp increase in our imports without any assurance of a comparable increase in our exports. The second reason is that we were able to make use of this selective approach to help the rationalizing of our tariff structure.

May I be permitted an illustration at this time. You will find in section 1 of this bill a definition of "wire", and later in the bill provisions in relation to wire. These provisions are the result of a Tariff Board study and recommendation in which the board rewrote these items, and many reductions were involved. Of course, our people, as you may be sure, are good traders. Even though the Tariff Board had recommended these reductions, when our people went to Geneva they used these reductions, which they were already thinking of in terms of the Tariff Board's recommendation, as a *quid pro quo* for something they were asking of the other people. This is good business and good trading.

I can cite another example of this, but with a different connotation. For instance, there is an item in the Customs Tariff concerning aircraft of a class or kind not made in Canada, and there is a most-favoured-nation rate of duty of 15 per cent. As honourable senators will recall, consistently every two years we have had a bill before us, and which has been passed, under which those duties were sus-

pended for two years. In our negotiations, as can be seen from the schedules here, we have agreed—and we have received some consideration for so agreeing—to reduce that rate of 15 per cent to 7½ per cent. I think the present legislation runs out at the end of 1969, but at whatever time it runs out I am sure Parliament will be in the mood, having regard to the fact that the aircraft they are thinking of are of a class or kind not made in Canada, and which may never in the foreseeable future be made in Canada, to pass legislation suspending the application of this item for another two years. However, in the meantime it was available as a concession with which we could trade. But, on the other hand, I would expect the people on the other side were smart, and they had their own methods for gaining some point that they wanted to gain, and one may have balanced out the other. At least, it served our purposes and provided material by which we could do some trading that was beneficial to Canada.

Hon. Mr. Walker: Were those recommendations available to the other side or were they kept secret?

Hon. Mr. Hayden: May I check that? I think the recommendations had been made previously, but I am not sure. I do have that information somewhere.

I should point out that when you are a distance from avenues of information in Ottawa, or Washington, or London you are not as familiar in your understanding of what these things mean. Although the Tariff Board had recommended changes in the rates of duty, it did not necessarily follow that it was Government policy to implement those changes. It was still a matter of trading.

I should tell you too that the agreement which emerged has been correctly described as the most far-reaching pact ever negotiated to reduce barriers to international trade. Some 50 countries, accounting for over 75 per cent of total world trade, participated, and about $40 billion of trade annually will be favourably affected by the results. The tariff reductions made by Canada cover about $2.5 billion worth of 1966 imports, and on these imports the average incidence of tariff is being cut by about 25 per cent. Reductions will be found in virtually every sector of the Canadian tariff. However, in certain difficult areas—for example, textiles and footwear—the reductions are not very great. The situation at present in respect of footwear is difficult in Canada, and the cut is from 27½ per cent to 25 per cent.

The Kennedy Round also provided us, as I indicated earlier, with the opportunity of rationalizing the structure of our Customs Tariff. Excessively high rates are being scaled down so that by 1972 rates of duty higher than 20 per cent *ad valorem* will be exceptional, apart from those on a few items such as textiles and footwear. When the Kennedy Round results are fully implemented, as proposed in Bill C-131, Canada's rates of duty on final manufacturers will generally be in the range of 17 per cent to 20 per cent, compared with the pre-Kennedy rates of 22½ per cent to 25 per cent. The rates on most intermediate products—that is products in various stages of manufacture—will range downward from 15 per cent, compared with the present rates of up to 22½ per cent, and most of the basic materials will be free, or close to free.

I now come to the machinery item, which received special consideration. This was an item under which there was a full implementation of the agreement at one time. A broad new tariff item was negotiated providing for rates of 2½ per cent British preferential and 15 per cent most-favoured-nation on most machinery and related equipment. This item replaces 18 tariff items which had rates ranging up to 22½ per cent on machinery held to be a "class or kind" made in Canada. The new machinery item includes a provision for the complete remission of the duty when the machinery imported is determined to be not available from production in Canada. The essence of the machinery tariff program is expected to contribute substantially to improving the competitiveness of Canadian secondary manufacturing.

In that connection I should tell you, although perhaps I do not need to labour it, that the volume of business generated in imports under this item of machinery would be of the order of $700 million a year. This range of machinery does not cover such things as mining machinery, agricultural machinery and electrical equipment. However, there is language written in the bill at page 55, so that even where there is a duty provided in item 42700-1, while you have machines, n.o.p and accessories with a rate of British preferential of 2½ per cent and the most-favoured-nation tariff of 15 per cent, you will find written into the tariff a provision under which in certain circumstances there is a remission program. It says:

> Except that in the case of the importation into Canada of any goods enumerated in this item, the Governor in Council on the recommendation of the Minister of Industry may, whenever he considers that it is in the public interest and that the goods are not available from production in Canada, remit the duty specified in this item applicable to the goods, and subsections (2), (3), (4), (5) and (8) of section 22 of the Financial Administration Act apply in the case of a remission granted under this provision.

They have therefore provided for a very flexible administration of this item in the interests of Canadian manufacturers, who will be able to get their machinery, particularly of a "class or kind" not made in Canada, more cheaply than under the existing situation.

Moving on, there are one or two items I should tell you about. There is one to which by now I suppose you have become so accustomed that you will not bemoan the situation any longer. It has to do with the subject-matter contained under section 5 of the bill. This deals with special duty on spirits, ale and beer. While these were included in the budget resolutions effective December 1, 1967 and January 1, 1968, this gives statutory effect to the provision. You will notice that in section 5 they create a new section 18, which is headed "Special Duty". This deals with a special duty of $1.25 per gallon on the strength of proof of spirits, and four cents a gallon in the case of beer, ale, porter and stout.

The explanation is a simple one. If you read sections 18 and 19, which are created by section 5 of the bill, you will see that it has effect for one month, because for the month of December the excise tax on domestic spirits, beer and so on had been increased, and that therefore increased the cost and the excise tax did not apply to imported spirits and beer. The concept was that they would have a special duty of customs for that period of one month until they reached the common line of January 1, 1968. This item is really to provide statutory authority so that imported spirits, beer and ale will overall in dollars bear the same levy as domestic spirits and beer in that period. On January 1, 1968, the situation corrects itself. If you look at the appropriate provisions in the tariff you will see that the customs duty on spirits has been reduced from $1 to 50 cents, but you may not have felt there was any difference in the ultimate purchase price you paid because the excise tax went up and the net result overall was that you were paying as much in the way of cost, even though the customs duty is separated to indicate that customs is a duty levied on stuff coming in and the excise tax is something in the domestic field dealing with all products, the imported as well as the domestic.

There is an item on drawbacks, which you will find in Schedules E, F and G. These provide amendments to Schedule B of the act. They are really consequential amendments. They broaden the impact of the amount of drawback to which you might be entitled in relation to mining machinery, chemicals and machinery used in the automotive industry. The effect is beneficial; it simply broadens the coverage of your entitlement to drawback.

I think maybe I have said as much as I should without running the risk of wearying you. I have not, as I undertook at the beginning of my remarks, gone into these three volumes that contain all the information about what every item does in every part of every schedule attached to Bill C-131. I did not tell you at the beginning, because you might then have thought my statement that I would not weary you with it was a sort of threat, and if you did not pay strict attention I would start reading them all. I had no such intention.

In conclusion, I should like to say that the financial press, the newspapers, the economic consultants and advisors all seem to share a common view at this time, that while there may still be some uncertainties, we have got through about a year of the operations of these reductions under the Kennedy Round of negotiations.

Despite some of the uncertainties which you may not yet be able to fully calculate, their consensus seems to be that there are distinct benefits and opportunities already apparent, and they say they are not only reflected in statistics showing that Canadian exports have increased sharply in 1968, but in the confidence and high expectations which become apparent at this time of the year, and which the Canadian business community generally is looking forward to in 1969.

Honourable senators, this is all I have to say. In my view, unless the Senate wishes otherwise, since this bill has new provisions in relation to chemicals and plastics, it should be reviewed in committee. True, all the other provisions were studied in committee some time ago, but I think it should go for this

purpose. The officers of the department will be present to answer any pertinent questions in relation to any aspects of the bill.

Hon. Mr. Leonard: Honourable senators, may I ask Senator Hayden a question? His exposition has been very clear and lucid and I am sure we all appreciate his explanation. However, there is one aspect that is puzzling me, and I am sure he has an explanation for that too.

Clause 4 of the bill enacts a new section 15A, subsection 1 of which makes reference to the descriptions of goods in Group XII of Schedule A set forth under the group designation "Products of the Chemical, Plastics and Allied Industries". I find in Schedule D, on page 103, reference to Group XII, "Products of the Chemical, Plastics and Allied Industries", but I do not find it in Schedule A. I am wondering what is the explanation for reference to Schedule A in clause 4 of the bill, and how does it coincide with Schedule D on page 103 of the bill?

Hon. Mr. Hayden: I can tell my friend that when I was looking at this it puzzled me too at first, and then I saw the very simple answer. In the Customs Tariff there are schedules A, B and C—Schedule A, rates of duty; Schedule B, drawbacks etc. and Schedule C, some special items. But this is Schedule D to this bill, and there is a section in the bill which provides that what is contained in Schedule D will form part of Schedule A of the Customs Tariff Act. The reference to that is found starting in section 9 at the bottom of page 10. You then have the long list of items that are struck out; then there is provision for the incorporation of what is in Schedule D on the top of page 12. They then become part of Schedule A.

Hon. Mr. Leonard: Thank you very much. I knew you would have the explanation.

Hon. Mr. Walker: Honourable senators, I missed the opening of the honourable Senator Hayden's remarks. It is my understanding that this bill incorporates the findings, so far as Canada is concerned, of the Kennedy Round.

Hon. Mr. Hayden: Yes.

Hon. Mr. Walker: Thank you very much.

Hon. W. M. Benidickson: Honourable senators, basically are we not in this legislation ratifying an international agreement, the Kennedy Agreement as it is called? I want to compliment Senator Hayden upon his masterful exposition to us about the precise details of the bill. In broad language he indicated that we were dealing with $40 billion worth of international trade, and our own country is involved in perhaps about $2 billion worth of international trade.

Hon. Mr. Hayden: It is $2½ billion.

Hon. Mr. Benidickson: I wondered if Senator Hayden could say a little more, in answer to my question, about the present practical political chances of those countries who were present at the negotiating table, of their legislatures or their parliaments ratifying this agreement.

Hon. Mr. Hayden: I am sorry. I got lost in my friend's oratory.

Hon. Mr. Benidickson: I am sorry. My question was too long. May I ask Senator Hayden whether there is a good indication that the participants at the long Kennedy negotiations will still have the support of their parliaments for this further ratification of these agreements?

Hon. Mr. Hayden: That is not difficult to answer. I doubt if there are any defaults now in the actions that were required to be taken by the other parties to the agreement. To the extent that the action to be taken is not one that is fully implemented at once but may be staged over a period, we have provided ourselves with a clause in this bill, clause 15, to deal with the situation in case any of these people should lag at some stage in their implementation. Clause 15 provides:

> In any case where, as a result of amendments made to Schedule A to the said Act by Section 7 of this Act—

This is making the transfer from these provisions of the Kennedy Round to the existing provisions.

> —a rate of duty set opposite a tariff item in Schedule A to the said Act is to apply on or after a date specified in the enumeration of goods of that item, the Governor in Council may from time to time, by order, amend Schedule A to the said Act by prescribing another date, being a date not earlier than the first mentioned date, as the date on or after which the said rate is to apply.

Therefore, at any time as we move along, if there should be any dalliance or anything of that kind, the Governor in Council may, by order in council, provide that the date for

coming into force of these items in relation to a certain country or countries is not the date specified in Schedule A but a date some time later. In negotiations of this kind, where you are dealing in the future, it seems a reasonable provision to protect all cases.

Hon. Allister Grosart: Honourable senators, may I make a comment leading to a question to the sponsor of the bill, seeking clarification of the effect of clause 4, the clause to which Senator Leonard referred a moment ago.

In explaining the very broad provisions of the bill, the honourable senator pointed out that it gave great flexibility, using the term "flexibility of administration." We can all understand the need for some flexibility in this kind of bill.

I know that the sponsor has always shown great concern for any undue extension of the power of ministerial discretion. I note that, in clause 4, by the addition of section 15A subsection 1 to the act as it stands, the minister will now have power to "prescribe rules for, and explanatory notes to assist in resolving conflicts or doubts respecting, the interpretation of the several descriptions of goods...". This is not in the usual form of granting power to make regulations under an act. In that form there is at least a suggestion of the limitation, that it will be limited to the making of regulations intended only to give effect to the act.

My question to the honourable senator is this. Let me first say that I know that it is not proper to ask him to interpret a statute, but I think it is quite proper to ask him to indicate the intended effect, the legal effect, of the "explanatory notes" a minister may prescribe. In particular I would ask, whom are they to assist? Are they intended to assist the department, or the Tariff Board or the courts; and, if so, what will be their binding legal effect? To some extent this may be regarded as a hypothetical question, but I am sure the honourable senator has the answer.

Hon. Mr. Hayden: I thank my honourable friend for his high degree of confidence in my judgment on this matter. However, I would point out that there are certain guidelines provided in subsection 2 within which the Governor in Council must operate in determining from time to time by regulation what the rules and explanatory notes should be "to assist in resolving conflicts or doubts respecting interpretation".

We have that method all the time, I would say, in connection with the ordinary administration of customs. The rules and bulletins they issue are for the guidance of their own inspectors and others who are administering the customs, but it is all for the information of the public who have to deal with this. It all centers on the question of classification. You are dealing with an import, something which is coming into the country, and the question is, how shall it be classified under the various items in the tariff, under these headings of chemicals and plastics? These are guidelines by way of regulation and they must tie in to the Brussels Nomenclature and into the Explanatory Notes of the Brussels Nomenclature.

I would conclude that if an importer were concerned about the propriety of the regulation, as to whether it was not a proper regulation in the circumstances, he would have his remedies which are provided under the Customs Act by way of appeal.

We are not taking away any rights. We are trying to assist in some orderly and expeditious treatment of these matters and telling those concerned what dictionary they should go to. If they do not read the dictionary aright, the person who is hurt by it still has his remedy.

Hon. Mr. Grosart: What would be the effect if the rules or the explanatory notes were not found to be within the guidelines of the Brussels Nomenclature?

Hon. Mr. Hayden: That depends on the person who is affected. Some people accept the situation rather than fight; others negotiate and bargain—and you would be surprised what bargaining does. There is an old saying that you get nothing unless you ask for it. The ultimate, the end of the road, would be litigation.

Hon. John M. Macdonald: Honourable senators, I am sure we have all listened with interest to the very informative explanation of this bill given by Senator Hayden. And his was not an easy task, for the bill deals with a great many items. Indeed, I read somewhere that Canada has reduced her tariff on over 1,500 items, and, while I have not counted them, I can well believe this is so just judging from the size of the bill.

In these days when tariffs are reduced only by negotiations, we no longer hear of the great debates that took place in former days as to whether or not any tariffs were justified. We no longer hear of tariffs to provide protection for infant industries, of tariffs for revenue only, of tariffs to build up defence industries or to provide regional employment.

In the Kennedy Round of tariff negotiations our tariff was reduced in order to have other countries reduce their tariff on our goods. There was hard bargaining, the negotiations took a long time as they were conducted on a commodity-by-commodity basis and not on the basis of an across-the-board percentage reduction. The deductions arrived at were for the mutual benefit of the parties so that no one country felt it had obtained an advantage over another or had bested another country in the results obtained. And as these reductions were made for the mutual advantage of the countries concerned, each had to assess the advantages against the disadvantages of the action taken on the industries concerned and those employed in such industries.

Generally speaking, the first reaction in Canada to the agreements reducing the tariff was favourable. They were announced in June 1967, and I noticed one headline said, "Round of Tariff Agreements seen as a great opportunity for Canada." Another said, "Canadian Consumers to gain but Ottawa can't estimate how much"; yet another read, "Changes give Canadian exporters a big change to expand sales in U.S. Market".

I do not know if these results or any of them have as yet been realized, because newspapers are apt to exaggerate. So, I prefer the forecast or estimate given by the Honourable Robert Winters, then Minister of Trade and Commerce, before the Senate Committee on Finance on February 15, 1968. While he spoke at some length on the agreements, I would like to quote him in part. He said this:

> But, we were in a unique position, and a position in which we may or may not be able to find ourselves in another round of negotiations. We shall not face this again for a number of years, because nobody is going into another round of negotiations in a hurry. But, the fact of the matter is that at this stage of our development we got an exemption from the linear approach to tariff cuts, and we were able to negotiate on a more selective commodity by commodity basis, and we made the biggest cuts in those areas in which we can sustain them, namely, in the field of primary products and, of course, agricultural products, which we produce best, and we were able to minimize our concessions in the field of manufactured goods which is the area where we must seek further development in this country if we are to be a developed country in the true sense of the word.

And further on he said:

> So, what we have succeeded in doing as a result of hard negotiation is to gain access to the industrialized countries of the world for a broad range of manufactured products, while keeping our concessions in these fields to a minimum. We made our greatest concessions in the field of primary products—those elements that contribute to the cost of production—and in certain areas where we knew the imports would help our productive effort and at the same time minimize the costs. I have in mind particularly the field of machine tools and machinery, where we gave away a considerable package of reductions.

He also spoke at some length on the efforts made to obtain agreements for the sale of wheat and about trade with the so-called underdeveloped countries. I apologize for quoting him at such length, honourable senators, but I have done so because I think he placed the whole matter in a proper perspective and did not attempt to exaggerate the benefits anticipated or the disadvantages which could follow. Moreover, I think his views are worth quoting, as he was generally recognized as being very expert in this field.

Now, these tariff changes are to come into effect over the next few years. However, because many of them have been in effect since January 1 last, it will be interesting to know what has been the effect so far as one would expect some effect would by now have become apparent.

Of course, while we feel that tariff reductions among the great trading nations should have a beneficial effect, I think we should also remember there are other non-tariff hindrances to trade and these appear to be coming more frequently. A country may wish to decrease its imports and increase its exports to help cure a balance of payment problem, and may use various methods to do so while at the same time not making any tariff changes or violating any tariff agreement. Import quotas may be imposed, and some indirect incentives given to exports. It may make it difficult to obtain foreign exchange or to send money out of the country. And we know how one country may ask another to impose limitations on its exports of certain commodities for the sake of good trading relations. Also, devaluation of a currency will

affect trade as well as protect the currency from speculative trading in that currency. In the issue of *Time* magazine of December 6, there is an interesting article on this aspect. I shall quote a short paragraph from it:

> For the longer run, it is also ominous that in the fight to defend their currencies, both France and Britain have turned toward protectionist trade measures. Britain, for example, has just imposed a requirement that importers of "nonessentials"—including almost all manufactured products—must deposit half the price of the goods with the government for six months...
>
> Trouble is, that appetite has led many U.S. businessmen to demand protection in turn. Justifiably or not, Congress this year has been deluged with bills to put import quotas or similar nontariff barriers on steel, textiles, footwear and dozens of other products. The temptation to erect trade barriers is seductive. For somehow, the U.S. must end or at least substantially reduce its persistent balance of payments deficit; otherwise the dollar may face the same pressures as the franc and the devalued pound.

A news item concerning the action taken by the United Kingdom is, I think, of interest. I read this item from London:

> The *Financial Times*, in a survey of foreign reaction to the new British scheme for deposits on imports of manufactured and semi-manufactured goods, says the Canadian government "failed to win" concessions from London on the range of goods covered.

And further on it states:

> "Having failed to win this battle, the Canadian government is turning its attention to ways in which it can help exporters to maintain sales, though it is highly unlikely that it would go so far as to underwrite the whole cost of the deposit."

So, honourable senators, I would point out it is not enough to be parties to agreements reducing tariff—though this is of course of great importance—there is also a need for some type of agreement whereby non-tariff methods would not be used to influence trading patterns which were established in good faith and in the belief that the rules contained in those agreements would be respected and adhered to during their lifetime.

Honourable senators, I have wandered far from the principle contained in this bill, but as I mentioned at the start the bill has been ably explained and I do not think I could add anything to it. I think it is important that the spirit of the agreement should be lived up to as well as the wording, because it will be of no lasting benefit to have an agreement for lowering tariffs, and which in fact do lower tariffs, if at the same time there are other non-tariff barriers to incentive put up to affect our trading.

Honourable senators, the items set out in the various schedules are too numerous to discuss in any detail, and as the sponsor has stated if anyone has questions to ask about the details, further information will be available when the bill goes to our Standing Committee on Banking and Commerce.

Hon. Arthur W. Roebuck: Honourable senators, I would like to make two or three observations. First I welcome back the Leader of the Opposition (Hon. Mr. Flynn). We have missed him during his absence, notwithstanding the fact that his position was very ably filled by his deputy (Hon. Mr. Choquette). We are indeed very glad to see him back.

My second observation is simply that I am not going to compliment Senator Hayden on his presentation, because by now he must be tired of compliments. I am simply going to thank him for his explanation. When one observes the complexity of the bill before us one realizes the difficulty which each one of us would encounter were we to attempt to study it and to understand it to the extent to which he has explained it. He has rendered a great service and I thank him for it.

My third observation is to express the keenest pleasure and satisfaction at this first step in the reduction of Canadian tariffs. I come from the City of Toronto, a very rapidly growing Metropolis. The growth and prosperity of that city, in which I am intensely interested, depends essentially on the size of the community with which it deals. The City of Chicago is also very large, indeed because it has the bigger half, in the trading sense, of North America in which to trade, and I am sure as Toronto grows we will feel more and more the deleterious effects of restrictions on trade. As we gain more population the need for less trading restrictions will become more apparent. So I would hope that this commencement of the reduction in tariff will widen the opportunities for our manufacturers and others in the sale of their goods, and

in the purchase of other goods in the cheapest market.

My last observation, and I thank you for your kind attention, is to express my satisfaction at the manner in which this transaction is being handled. For 20 years or thereabouts I have protested when various departments of government have brought us agreements, dumped them on our table and asked us to make them the law of the land, and left it to the ordinary citizen to find out, if he could, what part it played in the law of the land. I have stated over and over again that the proper way to deal with an international treaty, which requires the consent of Parliament and requires being reduced into law, is either to amend the acts already in force or to pass a new act and thereby give parliamentary sanction to it. In this instance, honourable senators will realize that a number of agreements have been made which in turn have given rise to the necessity for certain legislation. These requirements have been extracted from the agreements, drawn up as understandable law and brought before us for enactment. That, honourable senators, is the proper way to handle an agreement. If anybody is interested, financially or otherwise, in this transaction he can now look through these schedules and find out in the most concise language just how it will affect him and his trade. That is the proper way.

In closing, I might say that I hope the Income Tax Department will take notice, and in future follow the system set out in the act that is now before us.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. McDonald, bill referred to Standing Committee on Banking and Commerce.

DOCUMENTS TABLED

Hon. A. Hamilton McDonald tabled:

Report of the Department of Public Printing and Stationery for the fiscal year ended March 31, 1968, pursuant to section 36 of the Public Printing and Stationery Act, chapter 226, R.S.C., 1952. (English and French texts).

Report of the Superintendent of Insurance for Canada on Loan and Trust Companies, for the year ended December 31, 1967, pursuant to section 9 of the Department of Insurance Act, chapter 70, R.S.C., 1952. (English and French texts).

Report on the Administration of the Members of Parliament Retiring Allowances Act for the fiscal year ended March 31, 1968, pursuant to section 18 of the said Act, chapter 329, R.S.C., 1952 (English and French texts).

Copies of a White Paper on Anti-Dumping dated September, 1968. (English and French texts).

Copies of a letter, dated November 22, 1968, addressed by the Secretary of State for External Affairs to the Minister of Foreign Affairs of the Government of Mexico, respecting the formation of a Joint Mexico-Canada Committee. (English and French texts).

Copies of documents relating to the Canadian Ministerial Mission to Latin America. (English and French texts).

Order in Council P.C. 1968-2083, dated November 7, 1968, authorizing, under section 21 of the Export Credits Insurance Act, contracts of insurance by the Export Credits Insurance Corporation for the sale of 80,000 metric tons of Canadian wheat to the Hungarian People's Republic, pursuant to section 21B of the said Act, chapter 105, R.S.C., 1952, as amended 1960-61. (English and French texts).

Report of the Department of Indian Affairs and Northern Development for the fiscal year ended March 31, 1968, pursuant to section 20 of the Government Organization Act, 1966, chapter 25, Statutes of Canada, 1966-67. (English and French texts).

Report on the Administration of the Canada Student Loans Act for the loan year ended June 30, 1967, pursuant to section 18 of the said Act, chapter 24, Statutes of Canada, 1964-65. (English and French texts).

Copies of Proceedings of the First Meeting of the Constitutional Conference, held at Ottawa, February 5-7, 1968. (English and French texts).

Report of the President and Statement of Accounts of the Industrial Development Bank for the fiscal year ended September 30, 1968, pursuant to section 29(4) of the Industrial Development Bank Act, chapter 151, R.S.C., 1952. (English and French texts).

CRIMINAL CODE (HATE PROPAGANDA)

BILL TO AMEND—FIRST READING

Hon. A. Hamilton McDonald presented Bill S-21, to amend the Criminal Code.

Bill read first time.

Hon. Mr. McDonald moved that the bill be placed on the Orders of the Day for second reading on Wednesday next.

Motion agreed to.

ANTI-DUMPING

BANKING AND COMMERCE COMMITTEE AUTHORIZED TO EXAMINE WHITE PAPER

Hon. A. Hamilton McDonald moved, with leave of the Senate:

> That the Standing Committee on Banking and Commerce be authorized to examine and report upon the White Paper on Anti-Dumping dated September, 1968, tabled today; and
>
> That the committee be empowered to send for persons, papers and records and to print its proceedings upon the said White Paper on Anti-Dumping.

Motion agreed to.

NAVIGABLE WATERS PROTECTION ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Thursday, November 28, the adjourned debate on the motion of the honourable Senator McElman for the second reading of Bill S-19, to amend the Navigable Waters Protection Act.

Hon. John M. Macdonald: Honourable senators, I do not propose to speak at any length on this bill. Its provisions are familiar to all of you, and the sponsor gave us a lucid and detailed explanation of them. It is to amend an act which has had very few amendments in recent times; indeed, the last amendment was in 1956. So the amendments proposed by this bill are designed to make a few improvements in the act and to bring some of its provisions up to date.

The general principle of the Navigable Waters Protection Act is, of course, to prevent interference with navigation. You will have noticed that under section 9 of the bill the minister is given wide powers in order to prevent or, if not to prevent, to remove obstructions to navigation.

Just what constitutes an obstruction to navigation is, I suppose, a matter of fact. Some examples are set out in the bill and, generally speaking, it would not be difficult to determined and decide what is and what is not obstructing navigation. I was wondering if a ship or a barge which had been allowed to sink at a wharf, or at or near the shore of a harbour, would or could be called an obstruction to navigation which should be removed to protect navigeable waters.

Hon. Mr. Roebuck: What about the Suez Canal?

Hon. Mr. Macdonald: That is a good example, but it does not come under our jurisdiction.

Such old wrecks are unsightly in any event, but I could not find anything in this bill by means of which they might be classified as a danger to navigation, as they are usually seen sunk at private wharves or on private water lots where other ships would not have the right to go.

However, in order to satisfy myself on this point and to see if by any chance they would be considered to be in navigable waters, I looked at the definition of "navigable water" given in the proposed section 1A. There it states that:

> "navigable water" includes a canal and any other body of water created or altered as a result of the construction of any work.

I would have expected that a canal would have been recognized as navigable water, but since it has been included in the definition in this bill, there must have been some doubt about it.

I then looked at the original act to see the definition given there and, to my surprise, I found it was not so defined. So, in order to look a little further, I took advantage of the excellent research facilities of our Parliamentary Library and asked them to obtain for me a legal definition of "navigable water". They did so promptly. However, that research showed there does not appear to be a well recognized, concise definition. Apparently, at one time only waters where the tide ebbed and flowed were recognized as navigable. Another criterion was the capability of use by the public for purposes of transportation and commerce. If the body of water was capable,

in its natural state, of being used for purposes of commerce, then it was navigable in fact. Another opinion stated:

> The question whether a river is navigable or not seems to depend partly on its size and the formation of its bed and partly on the use to which it has been put; if a river will admit ships and has been used for shipping purposes by the public, it is a navigable river whether it is tidal or non-tidal and whether it flows through or over private land or land belonging to the Crown. As a rule however an arm of the sea or a tidal river with a broad and deep channel is deemed navigable.

So, honourable senators, while all this research was most interesting, it did not resolve my problem which was to determine whether anything could be done under the act, or this amendment, about removing unsightly wrecks sunk at private wharves or in private water lots. So I have come to the conclusion this cannot be done under this legislation, though perhaps it could be under some other act. I am strengthened in this view by a definition given in a 1921 decision in Alberta which stated that "navigable" means navigable for boats of any character, even for rafts of logs. The question whether a river is navigable or not is one of fact. I expect those who drafted the original act also felt it was a question of fact, and did not attempt to make a definition of the term.

Honourable senators, I do not see any objection to this bill and, indeed, I do not see any need for sending it to a committee, unless the sponsor or some other honourable senator would like it referred to a committee in order that they may there examine some of the details of it.

I thank you for your kind attention.

Motion agreed to, and bill read second time.

REFERRED TO COMMITTEE

Hon. A. Hamilton McDonald: Honourable senators, perhaps there are other honourable senators who have inquiries similar to that of my honourable friend in regard to wrecks, which can be cleared up in committee.

Therefore, I move, on behalf of Senator McElman, that this bill be referred to the Standing Committee on Transport and Communications.

Motion agreed to.

COPYRIGHT ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Earl W. Urquhart moved the second reading of Bill S-20, to amend the Copyright Act.

He said: Mr. Speaker, before proceeding with my explanation of this bill I should like to congratulate you upon your assuming the position of Speaker of this chamber. Our association goes back to the days when we occupied positions other than those of today, when you were the Minister of Public Works for Canada, and I was the leader of my party in Nova Scotia.

You are held in high esteem by all members of this house, and your appointment was well received everywhere. We have confidence in your ability, character, and leadership, and we know that your term of office will be filled with distinction and success.

Hon. Senators: Hear, hear.

Hon. Mr. Urquhart: Honourable senators, it is my privilege to move second reading of Bill S-20, to amend the Copyright Act. Although the amendment appears small in substance it is a matter of considerable import, and its passing is of some urgency.

The bill is designed to remove from the Copyright Act the performing right that record manufacturers now have in records or any other devices by means of which sounds are mechanically reproduced. The bill does not interfere with the normal right which record manufacturers now have of preventing their records being copied by others.

Honourable senators are aware, of course, of the important right that composers, authors and publishers have with respect to the performing of their works in public. These rights subsequently result in substantial payments being made annually to these persons. In Canada to date two associations, namely, the Composers, Authors and Publishers Association of Canada—more frequently referred to as CAPAC—and BMI Canada Limited—referred to as BMI—have been the licensing and collecting agencies for these persons. The fees or royalties which these performing rights societies are entitled to charge the users of their repertoires are fixed by a board known as the Copyright Appeal Board, for which statutory authority is provided in the Copyright Act, which act also provides the procedure under which the fees are set. The Copyright Appeal Board fixes its

tariffs on an annual basis, and different tariffs are provided to allow users of the two repertoires of works held by CAPAC and BMI to use such musical, dramatic or literary material depending upon the particular use.

Following the collection of the royalties, the funds received are distributed to the various composers, authors and publishers by means of a complicated rating system devised to reward the recipients for their creativity depending upon how frequently works are played on the air, or in public places to which an entrance fee is charged.

As I have said, this has been the situation in Canada up to the present time, and I think I can truthfully say that it has operated satisfactorily from the point of view of both the suppliers of the music and those who bring about its performance.

There has, however, now been added to the existing two performing rights societies a third society set up by the Canadian record manufacturers who claim copyright fees for the right of public performance of their records. This is a new performing right, additional to the right already legally recognized in favour of composers, authors and publishers.

The Canadian record manufacturers have now joined together to introduce a new performing rights society known as Sound Recording Licences (SRL) Ltd., which is a Canadian company incorporated on September 27, 1967. I call to the attention of honourable senators the fact that the object of this company is:

> to acquire, hold, exercise, supervise, enforce, license, lease and generally deal and grant or issue rights in or in respect of copyrights, performing and similar rights of every kind and nature, and to collect, receive, recover and disburse and otherwise acquire and dispose of royalties, fees, penalties and other payments in connection therewith.

Honourable senators will wish to know how such rights could in fact be acquired by the record manufacturers who now in concert act through Sound Recording Licences (SRL) Ltd. The present meaning of "copyright" in all its forms is contained in section 3 (1) of the Copyright Act, Revised Statutes 1952, Chapter 55. To be brief, copyright in musical, literary or dramatic works includes the right to publicly perform such works, and specifically the right to communicate such musical, literary or dramatic works by radio communication. You may well ask how a performance right in records, tapes and similar contrivances exists in addition to the performing rights of authors and composers, but this right definitely comes about as a result of the wording of section 4 (3) of the Copyright Act, which reads as follows:

> Copyright shall subsist for the term hereinafter mentioned in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical, literary or dramatic works.

I wish to emphasize that the copyright subsisting in records and the like is

> ...in like manner as if such contrivances were musical, literary or dramatic works.

The result is that copyright in records is brought back to fall within the definition of section 3 (1) of the act, to which I have already referred, and it is this section which then grants the performing right in records and similar contrivances.

I come now to the urgency that is attached to this bill. On October 28, 1968, there was filed with the Minister of Consumer and Corporate Affairs, under whose jurisdiction the Copyright Act is administrered, and strictly in accordance with the procedure established by the act, a statement of fees that Sound Recording Licences (SRL) Ltd. proposed to collect for the calender year 1969 in compensation for the issue or grant of licences for or in respect of the public performance of its records et cetera in Canada. In accordance with the act the statement of fees or royalties has been published in the *Canada Gazette*, together with the other statements of fees proposed to be charged in 1969 by the two other performing rights societies, namely, CAPAC and BMI. The act provides that, following publication of the statement of fees, objections to the proposed fees may be filed, following which hearings are held before the Copyright Appeal Board, which board then determines the appropriate fees to be charged for the calendar year. Thus a situation has been created where, if no legislation is enacted to deny a performing right in records and similar devices, the Copyright Appeal Board will be obliged to set and fix its tariffs for Sound Recording Licences (SRL) Ltd. for 1969.

We have no way of knowing, of course, what fees the Copywright Appeal Board will

fix should Sound Recording Licences (SRL) Ltd. in fact appear before the board, but undoubtedly a substantial amount of money will be required to be paid out by broadcasting and radio stations throughout Canada to meet these fees. The Canadian Broadcasting Company, which derives its revenue solely from the taxpayers, will, it is estimated, be required to pay a levy of some $840,000 for the 1969 year. It is tentatively estimated that the total fees proposed to be collected from private broadcasters and theatres etc., may run as high as $3 milliion to $5 million each year. Honourable senators, I wish emphatically to point out that these are new fees that have never been levied before.

As honourable senators are aware, a study of the Copyright Act in all its implications is now being undertaken by the Economic Council of Canada, and the Government is strongly of the view that while this study is being made, present rights now being exercised should not be taken away and new rights should not be created or rights permitted to be exercised, especially when such rights have never been used or taken advantage of in Canada before.

Perhaps I should mention at this point that this particular right of performance in records, which has never been exercised heretofore in Canada, has been in our Copyright Act since 1921, having been copied from a similar provision in the Imperial Copyright Act of 1911. As I mentioned, just at the time when the Economic Council of Canada is reviewing the Copyright Act, the record manufacturers seek to exert a right for the first time in 47 years.

There is another cogent reason why the Government feels obligated to deny a performing right in records, and that has to do with one of the recommendations of the Ilsley Commission's Report on Copyright made in 1957. I would like to quote from page 77 of that report:

> The act restricted by the copyright in a sound recording should be the making of a record embodying the recording. At the present time it would appear that an unauthorized public performance of a recording embodied in a record is an infringement of the copyright in the record. Probably the broadcasting of a recording embodied in the record is also an infringement. We recommend the abolition of a record manufacturer's performing right and broadcasting right in records or in the recording embodied in the record.

It is my understanding that the record manufacturers now argue that since the Ilsley Commission Report was written, substantial changes within the record industry itself have taken place which would now make the Ilsley recommendation no longer valid. But I would point out to honourable senators that, although Sound Recording Licences (SRL) Ltd. was incorporated almost 14 months ago, it was not until three days prior to the deadline for the filing of tariffs for the 1969 calendar year under the provisions of the copyright Act that this came to the official attention of the Government. The Government cannot treat lightly the serious recommendation on this matter made by the Ilsley Commission, namely, the abolition of the record manufacturers' performing right. If the record manufacturers seriously consider that the recording industry has changed to such a substantial extent since the date of the Ilsley Commission Report so as to make this particular recommendation no longer justified, then surely Sound Recording Licences (SRL) Ltd. should have presented this case to the Government over the past year and not merely argued this at such a late date that no attention could properly be directed to this point.

It is only fair to say that Sound Recording Licences (SRL) Ltd. has inferred that part of the fees collected would be expended on Canadian artists and performers in an attempt to develop Canadian talent and truly Canadian recordings. This, of course, could only come about as the result of private agreement, as the Copyright Appeal Board has no jurisdiction to set terms and conditions.

Honourable senators should also be reminded that if this legislation is not enacted and the copyright Appeal Board sets a tariff for Sound Recording Licenses (SRL) Ltd. for the year 1969, much of the fees collected would eventually go abroad as the major record manufacturers in Canada are subsidiaries of foreign corporations. Indeed these moneys would flow into the hands of manufacturers who, in some instances, do not have a similar right or claim in their own country against their own broadcasters. For example, the protection given in the United States to phonograph records or tapes is limited to the right to reproduce and distribute copies only; the right of performance in phonograph records or tapes is specifically denied to record manu-

facturers. Neither United States record manufacturers nor Canadian record manufacturers have the right to claim for the performance of a record in the United States by United States broadcasters. On the other hand, record manufacturers in Canada under Canadian law as it is at present, which fact this bill will rectify, are entitled to claim for the performance of their records in Canada.

The Government has strongly urged the record manufacturers to withdraw their application presently filed with the Copyright Appeal Board, and it is understood that if this is done the Government will not persist in the passage of this amendment to the Copyright Act. The Government feels strongly, as I suggested earlier, that the Copyright Act should in fact be left alone in its entirety until a report from the Economic Council of Canada is received for study. However, as long as Sound Recording Licences (SRL) Ltd. persists with its application to the Copyright Appeal Board the Government is left with no recourse but to urge the passage of this amendment.

On motion of Hon. Mr. Flynn, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, December 10, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

APPROPRIATION BILL NO. 4, 1968

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-141, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

Bill read first time.

Hon. Mr. Langlois moved, with leave of the Senate, that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

PRIVATE BILL

GILLESPIE MORTGAGE CORPORATION—FIRST READING

Hon. L. P. Beaubien presented Bill S-22, respecting Gillespie Mortgage Corporation.

Bill read first time.

Hon. Mr. Beaubien (Bedford) moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

CANADIAN ORDER OF FORESTERS BILL CUSTOMS TARIFF

AUTHORITY TO PRINT

Hon. T. D'Arcy Leonard, for Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the following report of the committee on Bill S-18, respecting Canadian Order of Foresters, and Bill C-131, to amend the Customs Tariff:

> Your committee recommends that authority be granted for the printing of 800 copies in English and 300 copies in French of its proceedings on the said bills.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Leonard: Honourable senators, I move, with leave of the Senate, that the report be adopted now.

Report adopted.

CANADIAN ORDER OF FORESTERS BILL—REPORT OF COMMITTEE

Hon. Mr. Leonard, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-18, respecting Canadian Order of Foresters, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Leonard moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

CUSTOMS TARIFF—REPORT OF COMMITTEE

Hon. Mr. Leonard, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-131, to amend the Customs Tariff, and had directed that the bill be reported without amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Leonard moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

INTER-PARLIAMENTARY UNION

FIFTY-SIXTH ANNUAL CONFERENCE IN LIMA, PERU

Hon. J. M. Dessureault rose pursuant to notice:

> That he will call the attention of the Senate to the 56th Annual Conference of the Inter-Parliamentary Union, held in Lima, Peru, from 5th to 13th September, 1968, and in particular the discussions and proceedings of the meetings and the participation therein of the delegation from Canada.

He said: Honourable senators, it has become the custom for most of us who attend parliamentary meetings to give a report to the Senate on the proceedings of the meetings.

[*Translation*]

Honourable senators, as this is the first opportunity I have to take the floor since the beginning of the current session, I wish to greet His Honour our new Speaker. To him who presides so well over our debates, I wish a complete success in his new duties.

I should also like to congratulate sincerely our new Leader of the Government in the Senate who brings to us extensive and priceless experience.

To both of them, my congratulations and best wishes.

[*English*]

It is a pleasure for me to report to you on the 56th Annual Meeting of the Inter-Parliamentary Union held in Lima, Peru, September 5 to 13 of this year.

There were fourteen in our delegation which was ably and brilliantly headed by Mr. Grant Deachman, M.P., Senators Thorvaldson, A. H. McDonald and myself represented this chamber. Messrs. Gordon Aiken, Gustave Blouin, Yves Forest, Leonard Hopkins, Gerard Laprise, Carl Legault, Barry Mather, Georges Valde, Eugene Whelan, and Eldon Woolliams represented the House of Commons. Mr. Gordon Dubroy, Assistant Clerk of the House of Commons, accompanied us as a member of the Association of Secretaries General of Parliaments, and Miss Jean Macpherson acted as our most invaluable secretary. Senator Thorvaldson, Mr. Deachman, Mr. Blouin, Mr. Woolliams and myself were accompanied by our wives.

Since Canada was host to the Interparliamentary Union in 1965, here in Ottawa, I have had the honour and privilege of representing Canada on the Executive Committee of the Union. This is the first time our country has been so represented. The results of the 1965 conference were far-reaching, and contributed to making the attending 60 member nations fully aware of our large country, its history, resources and opportunities. It has been for me a most rewarding experience.

Since its inception in 1889 in Europe, the Inter-Parliamentary Union has grown to include 76 countries. Canada joined in 1900, but permitted its membership to lapse in 1927, and it was not until 1960 at the Tokyo meeting that our affiliation was renewed. The headquarters, secretariat and permanent staff are situated in Geneva.

The Union elects a president for a term of three years, and an executive committee of ten members for a term of four years. The council consists of two members from each national group. The Union plays a most significant role in world politics, and contributes to unity of opinion among the divergent nations of the world. Contacts between members of different parliaments enhance the prestige of democratic institutions. The Union has made, and will continue to make, important contributions to world peace.

These details, honourable senators, might seem superfluous to you who have first-hand knowledge of the Inter-Parliamentary Union, but the more recently appointed senators might be interested in the workings of this international body.

Accompanied by Mr. and Mrs. Deachman, my wife and I left Montreal a few days ahead of the rest of the delegation, as the Executive Committee was to sit for two days prior to the general meetings. We also met for two days following adjournment of the conference. Although we arrived in Lima at 2.30 in the morning, our Canadian ambassador to Peru, His Excellency Mr. François Houde, and his charming wife were at the airport to greet us personally and to assist us through immigration and customs. This great kindness set the tone of our visit to Lima and made us feel at home immediately.

Some 63 countries attended the Lima conference, which was held in the Parliament Building. Senator Luis Alberto Sanchez, chairman of the Peruvian group, was elected President of the conference and greeted the members. The President of the Congress, Mr. Manuel Cox, and the President of Peru, Mr. Belaunde Terry, also welcomed the delegates.

The 1967 conference was scheduled to be held in Moscow, following an official invitation accepted the previous year. The Russians had agreed, according to custom, to invite each and every member country of the Union, but at the last objected to inviting South Korea. After a special meeting of the Executive Committee in Geneva, called for discussion of this matter, it was decided to cancel the 1967 conference.

The meetings this year were most significant in view of the world situation, and more especially because of the invasion of a member country, Czechoslovakia, by other member countries. This created some sharp debates, with counter rebuttals and accusations.

Each of us has the obligation to try to work out some valuable solutions to the political,

economic and social problems before our nation. It is also an obligation to work out, with the representatives of other countries which make up this shrinking world, equitable ways of reinforcing and protecting peace, eliminating misery and antagonisms which separate peoples. These goals are being sought after with sincere purpose by most of the members.

The debates of the meetings were held in accordance with parliamentary procedure. It was impossible to cover completely all of the items on the agenda in view of the eagerness of most of the members to convey their disapprobation of the Soviet and allied invasion of Czechoslovakia. This slowed down proceedings considerably.

All of the western delegations declared themselves appalled at the anti-democratic flouting of the right to auto-determination of a neighbour and ally. Several members of our delegation made most eloquent appeals to the Eastern bloc, asking them as members of a union of parliaments to voice, through their own parliaments, their independent opinions and ideas. This struck the assembly quite forcibly, and brought attention to the Canadian delegation.

The two official languages of the Union are French and English, although any other country which so desires may set up a system of simultaneous translation, and all facilities are provided. The Japanese, Spanish and Russian groups are but a few of those who take advantage of this privilege.

On the agenda of the conference there was first a general debate, and then four draft resolutions were debated in plenary session, where amendments were proposed and then sent to the appropriate committees for study and preparation of a final report. They were then put to a vote at the end of the plenary session.

The draft resolutions were as follows:

1. Concrete measures for ensuring, in particular at the parliamentary level, the implementation of the United Nations declaration on the inadmissibility of intervention in the domestic affairs of states and the protection of their independence and sovereignty.

2. Parliament's role in the elaboration and control of national science policy.

3. Colonialism, neo-colonialism and new forms of racial, religious, political and economic discrimination.

4. Methods of providing aid to developing countries through stable prices for exported products, development of primary industries and effective financial assistance.

Peru is a most interesting country with a population of 12 million, and Lima, the capital, with two million. We had many official receptions, among which was a reception by the now deposed President Belaunde Terry at his most luxurious palace in the city square. The Minister of External Affairs, the Mayor of Lima, and our ambassador, Mr. Houde, also gave brilliant receptions. There was, as usual, a varied program for the ladies who accompanied the delegates. What struck us most forcibly in Peru was the great riches next to the extreme poverty, most of the latter in straw "barriadas" in a circle around the capital city.

I have copies, in French and English, of the report of the Canadian delegation which I table and ask leave to be printed in today's *Hansard*. It may interest some honourable senators, and it certainly gives more detail.

The Hon. the Speaker: Is it agreed, honourable senators, that this report be printed as an appendix to the *Debates of the Senate* of today?

Hon. Senators: Agreed.

(*For text of report see Appendix pp. 743-50.*)

On motion of Hon. Mr. Macdonald, for Hon. Mr. Thorvaldson, debate adjourned.

COPYRIGHT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Urquhart for second reading of Bill S-20, to amend the Copyright Act.

Hon. Earl W. Urquhart: Mr. Speaker, with leave of the Senate I should like to make a short statement this afternoon to supplement what I said last evening on this bill. I think it would be of interest to all honourable senators and might help them in the further deliberation of this item.

The Hon. the Speaker: Do honourable senators agree that the honourable Senator Urquhart should speak now? Otherwise, his remarks could be considered to be a reply closing the debate, thus precluding other honourable senators from speaking.

Hon. Senators: Agreed.

Hon. Mr. Flynn: It could not be a reply because there has been no debate.

Hon. Mr. Urquhart: Honourable senators, when I moved second reading of Bill S-20 on December 9, I pointed out that the Government had strongly urged the record manufacturers to withdraw their application presently filed at the Copyright Office, and said that if this were done the Government would not persist in the passage of this amendment to the Copyright Act. The position of the Government was that the matter should be left in abeyance until a report from the Economic Council of Canada was received pursuant to the Government's reference of July 21, 1966, requesting the Council to study and advise on patents, trademarks, copyright and industrial design.

Sound Recording Licences (SRL) Limited has since advised the Minister of Consumer and Corporate Affairs that, while they are unwilling to withdraw their application filed under the existing legislation because this might be interpreted to their prejudice, they are willing to waive further proceedings of their application pending the report of the Economic Council on this aspect of the Copyright Act. The Minister of Consumer and Corporate Affairs has, for his part, agreed to request the Economic Council to give special attention in its deliberations to these provisions of the Copyright Act in order that a report thereon will be available for consideration by the Government with a minimum of delay.

In these circumstances, honourable senators, it is not the intention of the Government to proceed with further stages of this legislation at this time.

Hon. Jacques Flynn: Honourable senators, I did not want to continue with the debate on this bill today, because I had some doubts about the validity of its objectives, and especially about the method chosen to achieve these objectives. I therefore welcome the statement of the sponsor of this bill. If my understanding is correct, the bill will stand for a certain period, and I would therefore like at this time to move the adjournment to January 28.

Hon. Mr. Croll: He did not say he withdrew the bill.

Hon. Mr. Flynn: No. My understanding is that Senator Urquhart said the Government do not want to proceed with further stages of the bill at this time. Therefore, in order to be able to assess the situation, I move the adjournment of the debate to January 28.

On motion of Hon. Mr. Flynn, debate adjourned.

RULES OF THE SENATE

FOURTH REPORT OF SPECIAL COMMITTEE

Hon. Hartland de M. Molson: Honourable senators, I move, seconded by honourable Senator Lang, with leave of the Senate, that consideration of the Fourth Report of the Special Committee on the Rules of the Senate be postponed until Thursday next, but that the schedule thereto containing a proposed revision of Rules of the Senate be referred to the Committee of the Whole for consideration forthwith.

Motion agreed to.

SCHEDULE TO SPECIAL COMMITTEE'S REPORT CONSIDERED IN COMMITTEE OF THE WHOLE

The Hon. the Speaker: Honourable senators, pursuant to the order of your honourable house, I leave the Chair. The honourable Senator Macnaughton, P.C., will please take the Chair of the committee.

The Senate went into committee to consider the schedule to the Fourth Report from the Special Committee on Rules of the Senate.

Hon. Alan Macnaughton in the Chair.

The Chairman: Honourable senators, may I give a short word of explanation.

I propose, with the concurrence of the Committee of the Whole, to call in sequence each of the proposed new rules as they appear in the left-hand column of the schedule attached to the Fourth Report of the Special Committee on the Rules of the Senate. These proposed rules have been printed as an appendix to Senate *Hansard* of November 28, 1968, beginning at page 658, and in the *Votes and Proceedings* of the same day.

Hon. Mr. Molson: Mr. Chairman, rule 72 of the Rules of the Senate states that when the Senate is put into committee every senator has to sit in his place. I would ask leave to move from my place in order that I may sit beside the staff who are to appear.

Hon. Senators: Agreed.

The Chairman: Shall rule 1 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 2 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 2A carry?

Hon. Senators: Carried.

The Chairman: Shall rule 3 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 4 carry?

Hon. Mr. Prowse: Mr. Chairman, rule 4 contains several lettered paragraphs, and even assuming that everyone in the house has read them and understands them, I think the paragraphs should be put and considered individually rather than as a group. Someone may wish to comment on a particular paragraph of that rule.

The Chairman: Does that meet with the pleasure of the committee?

Hon. Senators: Agreed.

The Chairman having put the question on each of the paragraphs [a] to [t] inclusive of rule 4, the said paragraphs were severally agreed to.

The Chairman: Shall rule 4 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 5 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 6 carry?

Hon. Senators: Carried.

The Chairman: There is no change in rule 7.

Hon. Senators: Carried.

The Chairman: Rule 8 is repealed.

Hon. Senators: Carried.

The Chairman: Shall rule 9 carry?

Hon. Mr. Connolly (Ottawa West): May I ask the Chairman of the Committee a question on rule 9, which question would indeed apply to a good many of the others in which no changed is indicated? For example, at the end of Rule 9 I notice that there is at the present time, in the right-hand column, a reference to M. 321: B.217. This does not appear in the new rule in the left-hand column, and I think it might be of interest to honourable senators if the Chairman of the Rules Committee made the point clear.

Hon. Mr. Molson: Mr. Chairman, the reference to parliamentary authorities was discussed at some length in the Rules Committee, and while it was felt that it would be a mistake not to have these references available, it was felt that in the light of the one hundred years of experience now behind the Senate, there were enough precedents, practice and custom within the Senate and that it was not necessary to refer in each case to one or other of these authorities. In fact, it was said that some of these references were now seriously out of date. It was felt that, without taking away any of the force of their authority, they were not required, rule by rule, the way they appeared in the previous book of rules.

The Chairman: Shall rule 9 carry?

Hon. Senators: Carried.

The Chairman: In rule 10 there is no change. Shall rule 10 carry?

Hon. Senators: Carried.

The Chairman: In Rule 11 there is no change. Shall rule 11 carry?

Hon. Senators: Carried.

The Chairman: In rule 12 there is no change. Shall rule 12 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 13 carry?

Hon. Senators: Carried.

The Chairman: In rule 14 there is no change. Shall rule 14 carry?

Hon. Mr. Smith (Queens-Shelburne): Mr. Chairman, could we go a little more slowly? I think this is perhaps the only opportunity for many of us to understand the significance of these changes. I was trying to read quickly through rule 13, and I still do not know what the difference is by reason of this change. In the case where some words have been underlined, if the Chairman of the Rules Committee would indicate briefly what the effect is, we would not have to struggle with the two versions, the old and the new.

The Chairman: With the consent of the committee, shall we revert to rule 13?

Hon. Senators: Agreed.

Hon. Mr. Flynn: It would be of interest if the Chairman of the Rules Committee would indicate how the Chairman of the Committee of the Whole will proceed, now that it is indicated that he may leave the Chair. Will it be again in the entire discretion of the Hon. the Speaker or of the Chairman of the Committee?

Hon. Mr. Molson: I am not sure whether that is a fair question, Mr. Chairman. Everything which occurs in this chamber is done by the will of the Senate, with which His Honour the Speaker always seems to concur.

I would think the change here merely indicates that, instead of its being obligatory, it is now discretionary for him to leave the Chair at a time which suits him and the members of the chamber. That is why the word "may" is added. The only other change is from "half-past seven" to "eight o'clock". As all honourable senators know, when we rise in the afternoon we resume at 8 o'clock. This merely makes the rule conform to the practice.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, it seems to me that it is the members of the Rules Committee who are asking the questions, rather than Senators who were not on the committee. In this case there is a discretion because of the use of the word "may", and it seems to me that the discretion actually is the discretion of the Speaker.

Hon. Mr. Flynn: I doubt it.

Hon. Mr. Connolly (Ottawa West): Would the Chairman of the Rules Committee comment upon whether or not, in the event that His Honour the Speaker should decide to adjourn at 6 o'clock and the Senate raised objection, a vote or at least a concensus of the house should be taken before the discretion is exercised.

Hon. Mr. Molson: Mr. Chairman, I do not know if my opinion on this is of much value, but I would reiterate that the Senate itself is always the ultimate authority. I do not visualize the situation of the Speaker trying to leave the Chair and the Senate being reluctant that he should. In the unlikely event of that occurring, I would assume that the Senate then would have to move that he not now leave the Chair. Certainly the authority is vested in the chamber and, as I said before, the Speaker has always shown great respect for its wishes.

Hon. Mr. Flynn: This puts it in the reverse order. You have just shifted the onus, because of course he could adjourn. We could adjourn, with the consent of the Senate; we could adjourn now. I think that some time by some means a motion has to be put. It may be that the only significant change is that we adjourn until 8 o'clock instead of 7.30.

Hon. Mr. Connolly (Ottawa West): As to the practical working of this rule, I would ask the Chairman of the Rules Committee to comment on the statement I make now. When 6 o'clock comes the Speaker or the chairman may leave the Chair. If it is desired that he should not, then I think the motion referred to by Senator Flynn would be put, that the Speaker, or the chairman, do not now leave the Chair.

Hon. Mr. Molson: It has happened in the past that the Senate has sat beyond 6 o'clock, and on those occasions no special motion has been put. In fact, on such an occasion the Senate was out of order and should not have been sitting, according to its own rules. This was pointed out in committee as the reason the word "may" was inserted in place of the definite words "leaves the Chair".

Hon. Mr. Prowse: Mr. Chairman, as it now stands, the difficulty is that the word "may" presumably affects only the rights of the Speaker or the chairman. If we have "shall", then we have a proviso, and we can determine that either the Speaker or the chairman has the right to make the decision as to what he should do, or the house has the right. At present this situation is unclear.

Suppose that at 6 o'clock the chairman or the Speaker decides to leave and does so, the sitting is then ended, even though we might want to complete the business which we have before us. If we are amending our rules and making new rules, and trying to take care of that kind of situation, or a situation that we might reasonably anticipate, it seems to me that it should be provided for in the rules.

One of the procedures by which this is accomplished is that at six o'clock the Speaker stands and says, "Is it your wish that the clock should now be stopped?" I think this is provided for in Beauchesne, May and Bourinot and the various other authorities. If we want to bring our rules up to date, I think that should be included. This could be time-saving, since we usually have something to do here.

May I therefore move, and I hope I will get a seconder, that the word "may" in the third line be struck out and there should be sub-

stituted therefor the words, "shall, unless otherwise ordered by the Senate leave the Chair until eight o'clock;". This leaves the house with explicitly spelled out control of its own procedures. It achieves the purpose that I think was intended, and meets the objections and the wishes of the committee and the concern of the Senate. To repeat myself, it leaves this house in control of its own affairs.

The Chairman: Is there a seconder for the motion of Senator Prowse?

Hon. Mr. Flynn: Mr. Chairman, I think I agree with the idea expressed by Senator Prowse, but I wonder if we would not achieve the same result by leaving the rule as it is presently except for the hour of reconvening. As I read it, if at six o'clock in the afternoon the business be not concluded, the Speaker or the Chairman of the Committee of the Whole leaves the Chair until half-past seven of the clock, but if there is unanimous consent of the Senate we can continue. I cannot agree with the idea that has been suggested that we would be sitting illegally after six o'clock, with the unanimous consent of the Senate. Therefore, unless there is unanimous consent, the Chairman or Speaker will leave the Chair until eight o'clock. If the Senate is unanimous in wishing to continue, then we will continue after six o'clock. For that reason I think the only amendment that is required to the present text is to change "half-past seven of the clock" to "eight o'clock", and it would achieve exactly what Senator Prowse has in mind. It does happen that from time to time we continue after six o'clock, under the present wording, with the unanimous consent of the Senate. I think this is as it should be.

Hon. Mr. Connolly (Ottawa West): Would the Leader of the Opposition go further and say that we could continue after six o'clock not only with unanimous consent, but without unanimous consent if a vote were taken?

Hon. Mr. Flynn: No. That would not be fair.

Hon. Mr. Prowse: Mr. Chairman, with all respect, I think this discussion at this stage is out of order. A motion is on the floor and Senator Fournier (De Lanaudière) has indicated his willingness to second the motion. Then it can be debated by the committee.

The Chairman: Honourable senators, you have heard the motion by Senator Prowse, seconded by Senator Fournier (De Lanaudière). Is there any further discussion before I ask for the Contents and Non-contents? First of all, Senator Prowse, would you restate your motion?

Hon. Mr. Prowse: The motion is that "the word 'may', which appears in the third line, be struck out and there should be substituted therefor the words 'shall, unless otherwise ordered by the Senate," and continuing with the words, "leave the Chair until eight o'clock." This would permit an ordinary majority of the Senate which is then in session to continue the sitting.

Hon. Mr. Macdonald: Mr. Chairman, personally I do not agree with that. I think it would be better if we just change the time. If instead of closing at six o'clock we are going beyond, it should not be left to the discretion of the Chair. I think it should be by unanimous consent and not by a mere majority of the members.

Hon. Mr. Prowse: On a point of order, may I suggest that the procedure would be to amend the motion by striking out the words "unless ordered by the Senate" to "without the unanimous consent".

Hon. Mr. Flynn: That is my suggestion, that perhaps we should keep the present text.

Hon. Mr. Prowse: But it is "may" and it should be "shall".

Hon. Mr. Flynn: The present text is not the text proposed by the committee, but the one in the right-hand column of the page. If you keep the present text and change it only to read "eight o'clock", and that "the Speaker or Chairman of the Committee of the Whole at six o'clock shall leave the Chair unless there is unanimous consent of the Senate to continue beyond six o'clock"—I think this is the way we should proceed.

The Chairman: Honourable senators, you have a motion before you which has been seconded. Are you ready for the vote?

Those in favour say "Content."

Some Hon. Senators: Content.

The Chairman: Those against will say "Non-content."

Some Hon. Senators: Non-content.

The Chairman: In my opinion the Non-contents have it.

Hon. Mr. Flynn: I will therefore move, Mr. Chairman, that the report of the committee on Rule No. 13 as proposed be replaced by

the text as shown on the right side of the page, but that the words "half-past seven of the clock" be changed to read "eight o'clock".

Hon. Mr. Prowse: What about the "Mace being left on or under the table, as the case may be."?

Hon. Mr. Flynn: The Mace will be there. Leave in the words "the Mace being left on or under the table, as the case may be". This is provided for in the report of the committee. We just change the hour of reconvening when we sit beyond six o'clock, with the unanimous consent of the Senate.

Hon. Mr. Prowse: As I understand it, what is being suggested by Senator Flynn is that we leave rule 13 as it now reads, except to change "half-past seven of the clock" to "eight o'clock." But what I am concerned with is the meaning of the word "leaves". We have legal definitions of "may" and "shall", but what is the definition of "leaves"? Does this mean "shall"? If it says that he leaves the Chair, then I presume it means that by unanimous consent you can suspend the whole rule. Is that correct?

Hon. Mr. Flynn: That is right. It is the same situation as in the other place. At six o'clock a member will say, "It is six o'clock", and the Speaker will say, "It being six o'clock, I now leave the Chair." If there is unanimous consent he will remain in the Chair and the house will continue.

Hon. Mr. Prowse: In other words, he stops the clock.

Hon. Mr. Flynn: If nobody draws the attention of the Chair to the fact that it is six o'clock, probably they will continue. But at 6 o'clock, if someone draws the attention of the Speaker or the Chairman to the hour, he leaves the Chair, unless there is unanimous consent to continue sitting beyond that hour.

The Chairman: Is there any further discussion?

Hon. Mr. Molson: Mr. Chairman, most members of the committee are here to speak for themselves. I would not anticipate any argument on the part of the committee, except I would suggest to Senator Flynn that, rather than go back to the version on the right-hand side of the page, he merely make his motion to read that the words "may leave the Chair" be struck out and that the words "leaves the Chair" be substituted, because we are dealing with the new rules on the left-hand side.

Hon. Mr. Flynn: Agreed.

Hon. Mr. Leonard: Mr. Chairman, does Senator Flynn not agree that it would be better to put in those words "unless otherwise ordered"... "by unanimous consent"?

Hon. Mr. Flynn: That is repetitious, because we have already adopted Rule 2A, which reads:

> Any rule, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or part thereof proposed to be suspended being distinctly stated.

So with unanimous consent, under rule 2A, we can continue speaking beyond 6 o'clock.

Hon. Mr. Leonard: I agree with that.

The Chairman: You have heard the motion of Senator Flynn, seconded by Senator Walker. Those in favour?

Hon. Senators: Agreed.

The Chairman: Rule 14. No change. Shall rule 14 carry?

Hon. Senators: Carried.

The Chairman: Rule 15. No change. Shall rule 15 carry?

Hon. Senators: Carried.

The Chairman: Rule 16. No change. Shall rule 16 carry?

Hon. Senators: Carried.

The Chairman: Rule 17. No change. Shall rule 17 carry?

Hon. Mr. Haig: Mr. Chairman, I would like to draw the attention of senators to the last part of that rule, where it states:

> If they have occasion, when the Senate is sitting to speak together, they go below the Bar; otherwise the Speaker stops the business under discussion.

I think that rule is more honoured in the breach than in the observance.

The Chairman: Shall rule 17 carry?

Hon. Senators: Carried.

Hon. Mr. Beaubien (Bedford): Mr. Chairman, should all these references not be taken out?

Hon. Mr. Croll: You are supposed to know the references by heart.

The Chairman: Rule 18. No change. Shall rule 18 carry?

Hon. Senators: Carried.

Hon. Mr. Smith (Queens-Shelburne): Mr. Chairman, may I ask someone on the committee—the members having examined the rules very carefully—what has been the purpose, in modern times, of making reference to the procedures whereby we can remove strangers from the Senate chamber? I am merely asking why we are continuing this reference to strangers. I suppose it has historical connections, and people in the gallery can be considered strangers if attention is drawn to them.

Hon. Mr. Molson: Mr. Chairman, I do not know that the terminology had much appeal for the committee, but in the discussion the feeling was that there might be times when it was desired to hold a meeting of the Committee of the Whole or the Senate without any outsiders being present. As the old rule provided the means for dealing with such a situation, it was left intact. I think that is the simple explanation of it.

Hon. Mr. Flynn: It may also apply if someone came beyond the Bar. You would not want anyone to come into the Senate chamber without permission. If someone did come into the chamber, you would want to use this rule to expel him.

Hon. Mr. Croll: I recall an occasion in the other place, Mr. Chairman, when someone forgot to lock the doors of the public galleries before prayers. When the members entered the chamber for prayers the galleries were about half full. We did not know what to do about it until they were cleared from the galleries under a similar rule in that house. It is a useful rule to have available.

Hon. Mr. Prowse: Mr. Chairman, there has been discussion about the possibility of having TV coverage in the Senate. As a matter of fact, we have had some, and they have had cameras in the house. I know that what happens in the provincial legislatures has no bearing on decisions made here, but their experience may be useful. In Alberta, we walked into the legislature one day and found that the Government had had set up television cameras all over the house. I happened to be Leader of the Opposition, and there had been no consultation or discussion, but there they were. It was a mere matter of standing up in our places and saying: "I spy strangers!" All unauthorized persons had to get out, and we discussed the question as to whether we wanted those in who had no particular right to be there.

This is an old rule; I think it is a good rule, and one that can be of continuing value, because we do not know who is going to invent what next. Nor do we know who, with the best intentions in the world, may extend what they believe to be their right to give a privilege to someone else to attend, when we might, as senators, feel it is our privilege. I would concur in the rule.

The Chairman: I understood the rule had been passed, but I will call it again.

Rule 18. Shall rule 18 carry?

Hon. Senators: Carried.

The Chairman: Rule 18A. Shall rule 18A carry?

Hon. Mr. Grosart: Mr. Chairman, is it necessary to limit the presence of a minister to a minister representing the department? I say this because there may very often arise occasions when, on a particular bill, the presence of more than one minister may be desirable. There may be a very sound reason why the committee put that reservation in, but I would ask the chairman of the committee if he really considers it necessary. Perhaps it would be more useful at some time in the future, if we were in the position of being able to invite here more than one minister, not only a "Minister representing the Department".

Hon. Mr. Molson: Mr. Chairman, to my memory, that point was not brought up in committee. I do not see the slightest objection, and I think the committee would not have seen the least objection in making this change. The only change made to the existing rule 18A was the addition of the words "on invitation from the Senate" that a minister attend. It was felt ministers had so rarely attended that nothing was being lost by removing their appearance as of right. In fact, it was felt we might gain by having this in our rule, because it might lead us to invite a minister to appear, with perhaps more prospect of it being accepted. However, I think Senator Grosart's point is very well taken. There was no particular thought given to this aspect, and it could easily be struck out.

Hon. Mr. Flynn: I would second the amendment.

Hon. Mr. Grosart: I so move.

The Chairman: Senator Grosart, would you mind stating your motion?

Hon. Mr. Grosart: Mr. Chairman, I move that in Rule 18A, as presented by the committee, the words "representing the Department" be struck out.

Hon. Mr. Roebuck: Why not insert the words, "a Minister of the Crown", so we could exclude ministers of the Gospel?

Hon. Mr. Flynn: Well, it is on invitation.

Hon. Mr. Grosart: That had occurred to me, Senator Roebuck, but looking at the wording of the old rule, I presumed there was a legal definition of "Minister" in this context. In this context "Minister" can only mean a Minister of the Crown. If it would make it clearer, perhaps we should say "a cabinet minister", but I presume that that is not necessary. If my amendment is accepted, rule 18A will now read:

> When a Bill or other matter relating to any subject administered by a department of the Government of Canada is being considered by the Senate or in Committee of the Whole, a Minister, not being a member of the Senate, may on invitation from the Senate—

and so on. I think this would make it possible to invite more than one. If we say "the Minister" then I think—

Hon. Mr. Flynn: Yes, a minister.

The Chairman: Senator Grosart's amendment is seconded by Senator Flynn.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, I would say that "a minister" is not necessarily confined to a minister of the federal Government.

Hon. Mr. Flynn: Yes, it is.

Hon. Mr. Connolly (Ottawa West): Would it not include also a provincial minister, for example.

Hon. Mr. Flynn: No, I doubt it.

Hon. Mr. Molson: Mr. Chairman, I suggest that the phrase "any subject administered by a department of the Government of Canada" implies, at least, that the Minister of the Crown would be a federal minister.

Hon. Mr. Leonard: It is "on invitation from the Senate". That is the key.

Hon. Mr. Connolly (Ottawa West): I have one other point that is of a procedural nature. We are discussing rule 18A. I take it that this rule will not be known as rule 18A in the final draft. It will perhaps be known as rule 21, if we have a lot of other insertions.

The Chairman: I understand, Senator Connolly, that all of these paragraphs will be renumbered consecutively in the final printing. The present numbers are used for ease of reference only.

Hon. Mr. Connolly (Ottawa West): Yes.

Hon. Mr. Molson: The order also might be changed.

The Chairman: The chairman of the committee suggests that the order also might be changed in the final printing.

Hon. Mr. Flynn: Yes.

The Chairman: I am not sure where the amendment stands at the moment. You have all heard the amendment suggested by Senator Grosart, and seconded by Senator Flynn. Shall rule 18A, as amended, carry?

Hon. Senators: Carried.

The Chairman: Rule 19. Shall rule 19 carry?

Hon. Mr. Grosart: I have one point here, Mr. Chairman. I do not want to appear to be nit-picking, but it seems to me that it would be more consistent if it read merely "Questions" rather than "Question Period". That applies also to where "question period" appears below. It would bring it into syntactical conformity with the other eight headings.

Hon. Mr. Molson: Mr. Chairman, there is a definition of "question" in rule 4(1). This terminology was used to differentiate the question as put from some short inquiry that someone chooses to make.

The Chairman: Is there any further discussion? Shall rule 19 carry?

Hon. Mr. Walker: I should like to ask a question about this question period. What is contemplated by rule 19(A)? Is what is contemplated the "Charlie McCarthy" performance we have witnessed previously, in which the question is prepared and then answered by the Leader of the Government

in the Senate—where he writes the question, and then answers it himself?

Hon. Mr. Leonard: Is Senator Walker referring to rule 19(A)?

Hon. Mr. Walker: That is right.

The Chairman: Shall rule 19 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 19A carry?

Hon. Senators: Carried.

The Chairman: Shall rule 20, no change, carry?

Hon. Senators: Carried.

The Chairman: Shall rule 21—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 22—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 23 carry?

Hon. Mr. Flynn: I think you might call the paragraphs (a), (b), (c), and so on.

The Chairman: Shall rule 23(a) carry?

Hon. Senators: Carried.

Hon. Mr. Molson: Mr. Chairman, may I state that the only change in rule 23 is the removal of subsection (ff), which related to divorce. Otherwise the rule is unchanged.

The Chairman having put the question on each of the paragraphs [a] to [g] inclusive of rule 23, the said paragraphs were severally agreed to.

The Chairman: Shall rule 23 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 24(a), carry?

The Chairman having put the question on each of the paragraphs [a] to [k] inclusive of rule 24, the said paragraphs were severally agreed to.

The Chairman: Shall rule 24 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 25(a) carry?

The Chairman having put the question on each of the paragraphs [a] to [p] inclusive of rule 25, the said paragraphs were severally agreed to.

The Chairman: Shall paragraph (q) carry?

Hon. Mr. Walker: What is the explanation of that?

Hon. Mr. Molson: The change here, Mr. Chairman, as you will see, is the addition of the words "By the recognized Leader of the Government in the Senate or". If you refer to the existing paragraph (q) opposite you will see it reads:

> By a minister for the immediate presentation of papers:

In this case it was felt that the motion would more likely come from the Leader of the Government in the Senate rather than from a minister. The Leader of the Government in the Senate might be both, but not necessarily so.

Hon. Mr. Walker: Today, would the recognized Leader of the Government be Senator Hamilton McDonald? It says, "recognized Leader of the Government in the Senate".

Hon. Mr. Smith (Queens-Shelburne): It would be Senator Langlois.

Hon. Mr. Walker: Is that correct?

Hon. Mr. Molson: The acting leader—yes.

Hon. Mr. Walker: "Recognized" means "acting"?

Hon. Mr. Molson: The recognized Leader of the Government in the Senate, as the committee understood it, was the honourable Senator Paul Martin, and in his absence there would be an acting leader. I think we have seen both Senator McDonald and Senator Langlois in that position.

The Chairman: Shall rule 25 (q) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 25 (r) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 25(s) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 25 (t) carry?

Hon. Senators: Carried.

The Chairman: Rule 25A—no change. Shall the rule carry?

Hon. Senators: Carried.

The Chairman: Rule 25B—no change. Shall it carry?

Hon. Senators: Carried.

The Chairman: Shall rule 26 carry?

Hon. Mr. Prowse: With leave of the Senate, may we revert to paragraph (q) of rule 25, dealing with "recognized Leader of the Government in the Senate"? If I understood correctly, the other day we were told in the house by the recognized Leader of the Government in the Senate that he would have two assistants, and he named Senators McDonald and Langlois. I suggest that the way in which they were named does not make them Leaders of the Government in the Senate, so as to come within this paragraph. After all, we are dealing with rules, with things that are laid down, and it is better that we should recognize possible objections at this stage than find ourselves in difficulties later on.

Should we not say "recognized Leader of the Government in the Senate or his duly nominated representative"? I am not sure what the wording should be, but it should be spelled out here so that there can be no question about it. As we are now in committee I am not at this moment prepared to make a motion on how it should be worded. I have an idea on it but I have not had a chance to consider it fully or set it out. After hearing the reply of some honourable senators, it may be that the need I see will be unnecessary, but I do think we should give some thought to it at this point.

Hon. Mr. Molson: The Law Clerk suggests that the words "or by a senator acting for him" might very well be included there without any complication or difficulty. That would clear the matter up.

Hon. Mr. Flynn: "...or the Acting Leader..."

Hon. Mr. Molson: "...senator acting for him".

Hon. Mr. Flynn: Why not "Acting Leader"?

Hon. Mr. Molson: "Acting Leader" would have to be spelled out.

Hon. Mr. Flynn: The acting leader presently would be Senator Langlois.

Hon. Mr. Molson: I submit this might lead to an argument whether he had in fact been designated the acting leader, whereas "senator acting for him", which is the suggestion of the Law Clerk, would seem to cover all eventualities.

The Chairman: With leave of honourable senators, may we revert to rule 25 (q)?

Hon. Senators: Agreed.

The Chairman: Is there a motion?

Hon. Mr. Molson: I move as an amendment, that after the word "Senate" in the second line, we add "or a senator acting for him".

Hon. Mr. Prowse: Could we say, "or a senator designated by him to act on his behalf"?

Hon. Mr. Croll: That is very difficult, because he might be absent at the last moment. This seems to me confusing enough. Why not leave it that way?

The Chairman: Is there a seconder to the proposed amendment?

Hon. Mr. Walker: Would the honourable Senator Molson strike out the word "recognized"? It would then be "by the Leader of the Government in the Senate or a senator acting for him".

Hon. Mr. Molson: The word "recognized" is taken from the Senate and House of Commons Act and seems to be desirable in identifying the Leader of the Government in the Senate. The committee took it from that act, and it was felt wise to follow the act in this respect. The words "a senator acting for him" surely should not change that designation.

Hon. Mr. Walker: Certainly there is no necessity to have the word "recognized" because there is only one Leader in the Senate. There is no such thing under the circumstances as a "recognized Leader of the Senate", unless you suggest that Senator Langlois now holds that position, and that is not clear. We have done away with that and are now suggesting that it should be, "the Leader of the Government in the Senate or a senator acting for him". In my humble submission the word "recognized" should therefore be struck out.

Hon. Mr. Leonard: My understanding is that there is no such person as the Leader of the Government in the Senate, but there is such a person as the recognized Leader of the Government in the Senate.

Hon. Mr. Walker: What is your authority for that?

Hon. Mr. Leonard: The House of Commons and Senate Act. The phraseology of these rules was made to conform with the only legislation that seems to deal with a person known as "the recognized Leader of the Government in the Senate".

Hon. Mr. Walker: Then all our verbiage about the Leader of the Government in the Senate is wrong and we should call him the recognized Leader.

The Chairman: Honourable senators, there is an amendment before the committee. Is there a seconder?

Hon. Mr. Leonard: I second the amendment.

The Chairman: Honourable senators, you have heard the proposed amendment, that the wording of paragraph (q) be: "By the recognized Leader of the Government in the Senate or by a senator acting for him."

Hon. Mr. Grosart: Might I raise a very minor point? When this is reprinted I suggest that the "m" in "minister" be capitalized to make clear what is meant and to bring it into conformity with rule 18A.

The Chairman: Shall the proposed amendment carry?

Hon. Senators: Carried.

The Chairman: We revert to rule 26. Shall rule 26 carry?

Hon. Mr. Croll: I am not quite clear on that. The old rule provided that the offensive matter, if not amended by the senator, would not be allowed, but the new provision does not give him an opportunity to amend. Is that the intention?

Hon. Mr. Molson: The new provision says that if there is anything which offends against any rule or order of the Senate or contains unbecoming expressions, the Speaker simply will not accept them. When they are in becoming form and do not offend in any way, he accepts them. It seemed to your committee very doubtful that a notice containing such things would be taken back and amended and shown in different form. It would be more likely to disappear and a new notice would be put in its place.

The Chairman: Shall rule 26 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 27 carry?

Hon. Senators: Carried.

The Chairman: There is no change in rule 28. Shall this rule carry?

Hon. Senators: Carried.

The Chairman: Rule 29 is repealed. Shall this repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 30 is repealed. Shall this repeal carry?

Hon. Senators: Carried.

The Chairman: There is no change in rule 31. Shall this rule carry?

Hon. Senators: Carried.

Hon. Mr. Prowse: Pardon me. Rule 30 reads:

> No motion to suspend any rule or standing order, or any part of a rule, or order, may be made, except on one day's notice...and the purpose of such suspension.

If we go back to our discussion of rule 13, as to how we were going to beat the clock at 6 o'clock and go on to 8 o'clock, it was explained that all we had to do was ask for unanimous consent for the suspension of the rule. Now, if I read rule 30 correctly—I am sorry, I misunderstood.

Hon. Mr. Carter: On that very point, Mr. Chairman—we still have that in rule 24, I think. What do we do then? How does rule 24 affect our adjournment at 6 o'clock if we cannot suspend the rule?

Hon. Mr. Flynn: Unanimous consent is unanimous consent, whereas if you want to make a motion and submit it to a vote you have to give notice.

The Chairman: Shall rule 30 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 31 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 32 carry?

Hon. Senators: Carried.

Hon. Mr. Molson: Mr. Chairman, might I remark at this point that this was done in part in deference to the ladies. We were accused of forgetting about them at an earlier stage. We did not think it was necessary for them to be uncovered if they chose to stand to make an address.

The Chairman: Shall rule 33 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 34 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 35 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 36 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 37 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 38 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 39 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 40 carry?

Hon. Senators: Carried.

The Chairman: In rule 41 there is no change. Shall rule 41 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 42 carry?

Hon. Senators: Carried.

The Chairman: In rule 43 there is no change. Shall rule 43 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 44 carry?

Hon. Senators: Carried.

The Chairman: In rule 45 there is no change. Shall rule 45 carry?

Hon. Senators: Carried.

The Chairman: In rule 46 there is no change. Shall rule 46 carry?

Hon. Senators: Carried.

The Chairman: In rule 47 there is no change. Shall rule 47 carry?

Hon. Senators: Carried.

The Chairman: In rule 48 there is no change. Shall rule 48 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 49 carry?

Hon. Mr. Molson: Mr. Chairman, it was considered by the committee that a "dispute" was far more likely than a "quarrel" between senators.

Hon. Senators: Carried.

The Chairman: Shall rule 50 carry?

Hon. Senators: Carried.

The Chairman: We had better take rule 51 in sections. Shall rule 51 (1) carry?

An hon. Senator: Explain?

The Chairman: Would Senator Molson explain it, please?

Hon. Mr. Molson: The practice of calling for "yeas" and "nays" was thought by the committee to be a surer and better way than "contents" and "non-contents". That is the first change.

In subparagraph (a) it is made clear that the Speaker has a right to vote but does not come under the rule which says that every senator present shall vote. He is not obliged to vote. It clears up the question of what happens when there is an equal vote. Indeed, it does not clear it up, because it exists elsewhere. It is spelled out in paragraph 2, but it repeats it here. Also, it draws attention to the problem of any senator having a pecuniary interest.

The wording about a senator who declines to vote has been simplified.

In other words, this has put into one rule very clear, concise wording for the taking of a vote. Previously, this took rules 51, 52, 53 and 54. This was thought to be much simpler and clearer.

The Chairman: Shall rule 51 (1) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 51(2) carry?

Hon. Mr. Grosart: In the second last line there is a reference to the "voices" being equal. Is there a particular reason for using

the word "voices", which seems a little archaic, rather than the word "votes"?

Hon. Mr. Molson: That comes from the British North America Act. I remember that it was discussed in the Rules Committee. In the end the committee felt that it was as good a word as could be chosen for the purpose and that it was better to leave it undisturbed, in keeping with the B.N.A. Act.

The Chairman: Furthermore, it may be of interest to Senator Grosart that it saves considerable time to take a decision by a majority of voices, rather than by a recorded vote.

Hon. Mr. Grosart: Although it is "voices", it is still a vote. I am satisfied.

The Chairman: Shall rule 51(2) carry?

Hon. Senators: Carried.

The Chairman: Rule 52 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 53 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 54 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: In rule 55 there is no change. Shall rule 55 carry?

Hon. Senators: Carried.

The Chairman: Rule 56 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 57 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Shall rule 58 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 59 carry?

Hon. Senators: Carried.

The Chairman: In rule 60 there is no change. Shall rule 60 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 60A, paragraph (1) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 60A(2) carry?

Hon. Mr. Molson: The suggestion came to the Law Clerk from the Department of Justice, in regard to the word "ordinarily", in the old paragraph (1), the third line on the right-hand side.

In the new rule, paragraph (2), the third line from the bottom, it is suggested that we make it read "and shall not ordinarily be made".

Hon. Senators: Agreed.

The Chairman: Shall paragraph (2), as amended, carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph (3) carry?

Hon. Senators: Carried.

The Chairman: Shall paragraph (4) carry?

Hon. Senators: Carried.

The Chairman: In rule 61 there is no change. Shall rule 61 carry?

Hon. Senators: Carried.

The Chairman: In rule 62 there is no change. Shall rule 62 carry?

Hon. Senators: Carried.

The Chairman: Rule 63 is being repealed. Shall the repeal carry?

Hon. Mr. Molson: The first paragraph in the explanatory note on the top of page 677 that is to say, the words "Repealed because not in accordance with the existing practice", should be struck out. That has no bearing on it.

Hon. Senators: Carried.

The Chairman: Shall rule 64 carry?

Hon. Mr. Molson: Mr. Chairman, may I call attention to paragraph (2). This again is in keeping with parliamentary practice which already exists, that when a bill receives third reading it automatically passes. In other words, it removes the fourth step. When the question is asked as to whether the bill shall pass, that is suggestive of another debate. It was recommended to us that the suggested change is the practice elsewhere and we would do well to adopt it. That is why paragraph (2) is put in there.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, the only reservation that members of the committee had was, I think, that on that particular night some of the members of the Opposition were not present. It was intended to draw their attention to this paragraph (2). The motion "Shall the bill pass?" is a debatable motion. I draw to the attention of the Senate, and particularly of the Leader of the Opposition—I think the chairman of the committee would agree that I should—that on a bill which is very contentious the Opposition has the right to further debate on "the motion to pass." This further opportunity is now being eliminated. I think in modern parliamentary practice it is appropriate that it should be. It does not apply in the other place. I think it is only appropriate, Mr. Chairman—and I am sure the chairman of the committee would agree—that this should be drawn to the attention of the Leader of the Opposition.

Hon. Mr. Flynn: It is in accordance with the practice instituted in the other place, that there is only one motion for third reading and passing. I was wondering if the intention was that the question should be put "that the bill be now read a third time and passed"?

Hon. Mr. Croll: No.

Hon. Mr. Flynn: It is a mere question of words, in any event. But I thank Senator Connolly (Ottawa West) for drawing my attention and that of the Senate to the fact that the motion to pass a bill is a debatable motion. As far as I can recall it has never been used. And there have been some contentious bills introduced by the present Government.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, it has in fact been used at times. But this goes away back in the history of the Senate, before the time of anybody who is here now. It was debated, and it was resolved that it was a debatable motion.

Hon. Mr. Burchill: Do I understand that this means that there can be no discussion or debate on third reading?

Some Hon. Senators: No, no.

Hon. Mr. Croll: When the Chair says "Is it your pleasure, honourable senators, to pass this bill?", there is no debate then.

Hon. Mr. Flynn: On third reading there can be a debate and there can be a further debate when the question is put as to whether the bill shall pass.

Hon. Mr. Langlois: I understand we are retaining the question, that the bill shall pass.

Hon. Mr. Prowse: I understand, Mr. Chairman, that the situation now will be that when a bill is read a third time, that is the end of it, that third reading automatically completes the process, and it is passed without further question or comment.

Hon. Mr. Haig: No. You can still debate it on third reading.

Hon. Mr. Prowse: I am speaking of when it has passed third reading.

Hon. Mr. Haig: Then it is all right.

Hon. Mr. Prowse: What we have done in the past is to take four kicks at the cat instead of three. Now we are simply saying that when a bill comes up for third reading there may be further debate depending upon how senators feel about it, but once it has received third reading, then without further comment the bill automatically passes. Am I correct in that?

Some Hon. Senators: Yes.

Hon. Mr. Flynn: For the record and for clarification perhaps I should say that from my understanding it is quite clear that we eliminate the last part of the question when the Speaker says, "This bill has now been read a third time and is ready to pass. Is it your pleasure, honourable senators, to pass this bill?" I understand the intention is to eliminate that last portion, and that under this new rule when a bill has been read a third time it will immediately be ordered that a message be sent to the House of Commons to acquaint that house that we have passed the bill.

Hon. Mr. Prowse: Then when the Speaker announces that the bill has been read a third time he also announces that a message will be sent to the House of Commons?

Some Hon. Senators: Yes.

Hon. Mr. Flynn: This is what the rule says in paragraph (2): "When a Bill is read a third time it shall be deemed to have been passed by the Senate and there shall be no further debate or amendment."

Hon. Mr. Grosart: Mr. Chairman, I think there is reason for some caution here. We are short-cutting procedures.

Some Hon. Senators: No, no.

Hon. Mr. Grosart: Yes, we are short-cutting procedures. Let us not forget that a bill is "read"—and only "read"—and then it is debated. There is some question as to the point in the proceedings at which a bill is actually "read." We hear it all the time in this house—"When shall this bill be read...?" The bill is then "read" by the Clerk or the Clerk Assistant. Now we find here that when it is "read" a third time it will be deemed to be passed. I do not see any particular advantage in this. I see considerable advantage in saying that there cannot be a fourth debate. I agree entirely with the Rules Committee on that, but I have doubts about the wisdom of short-cutting it quite this much. I suggest that if we go along with the recommendation of the Rules Committee that there shall be no debate after third reading, we should then go through the formality of saying that this house has passed this bill. I think there is much to be said for putting it on the record that the chamber has actually passed the bill—not merely "read" it a third time and, by a rule now hidden in the rule book, that it is deemed to be passed.

Hon. Mr. Connolly (Ottawa West): I wonder if we might get around the difficulty, Mr. Chairman—and this is only a suggestion—by changing the wording of rule 64 (2) to accomplish the same purpose. We could do this by striking out the words, "it shall be deemed to have been passed" in subparagraph (2) and stating, "When a Bill is read a third time and passed by the Senate, there shall be no further debate or amendment." That gets over the difficulty raised by Senator Grosart as to what "reading" means because actually "reading" means what the Clerk or the Clerk Assistant does.

Some Hon. Senators: No.

Hon. Mr. Connolly (Ottawa West): Sorry, the item is called. Then there is a motion made for third reading of the bill. The Clerk Assistant calls the order for third reading of such an such a bill, and the Speaker says, "It is moved by honourable Senator X, seconded by honourable Senator Y, that this bill be now read a third time. Is it your pleasure, honourable senators, to adopt the motion?" That is followed by debate, and at the conclusion of the debate, if there is a vote and it is decided that it does pass, then the bill has passed. Perhaps the amended wording I have suggested would accomplish the purpose the honourable senator has in mind in that when a bill is read for the third time and passed by the Senate there shall be no further debate or amendment.

Hon. Mr. Grosart: Mr. Chairman, with due respect to Senator Connolly (Ottawa West), I do not think the suggestion that he has made will meet the objection I raised, because if we accepted his amendment we would be in no different position from the one we are in now. Rule 64(2) would then read, "When a Bill is read a third time and passed, there shall be no further debate." So it would still have to be passed by some formality of the Senate.

I am suggesting to the committee that there is some virtue in going through that final process of having the Speaker say, "Does this bill pass the House?" Honourable senators may not agree, but I say there is some confusion about the meaning of "read", because it is an ordinary English word and anyone who stands up here and reads a bill is reading a bill. The Law Clerk may have some views on this, but I know that this matter has been discussed very seriously, as to the exact significance of the word "read" in respect of a bill in a Parliament.

My suggestion is that it should read, "When a Bill is read a third time there shall be no further debate or amendment." I think that will accomplish the main purpose of the suggested amendment and leave us in the position of still going through the formality of saying that we pass this bill, because it happens in this chamber and in the other place that when a bill is up for third reading you may not be paying strict attention or the Speaker may move rapidly and you miss the fact that third reading is over.

I merely mention that if the amendment I have suggested commends itself to the Rules Committee, it would be a safer method of amending the present rule than the one proposed.

Hon. Mr. Prowse: Mr. Chairman, the suggestion made by the honourable Senator Grosart would preclude debate on third reading. As I understand it, it is not the intention to do that. What is needed is an amendment to the words now used by the Clerk. He, or somebody, says, "Is it your desire that the bill be read a third time?" Then there is a debate and a vote, and the Speaker says, "This bill has been read a third time and is ready to pass. Is it your pleasure to pass this bill?" The Speaker then makes what is a

fourth presentation to the house. This is what we want to get away from. It is not to eliminate debate, but to do away with what is purely superfluous procedure, a fourth motion which, as long as I have been here at least, has had no meaning but presumably could be subject to debate.

I think the way you have it here is as good a way as any, without starting to spell things out, which could cause more debate than the rest of the rules put together.

Hon. Mr. Aseltine: Mr. Chairman, I would refer honourable senators to the way these matters are handled in a municipal council. When a by-law is presented, it is read a first time. Then there is a motion for second reading, and it is read a second time. Then there is a motion for third reading, and it is read a third time and passed, giving the day and date, and that is the end of it. I do not see why we should not leave it as it is.

Hon. Mr. Everett: I agree. The amended rule is very clear. In my view, third reading means the passing of the motion for third reading of the bill, and what this amendment does is to exclude the fourth step that has been taken in the past for a separate motion. I think the amendment, as presented, is quite qualified.

Hon. Mr. Molson: Mr. Chairman, perhaps in some of the earlier discussion on this we did not go far enough. When the bill is read a third time, if there is to be any debate, the debate then occurs. At the end of that time the question is put by the Speaker again and the bill is given third reading. At that stage the Clerk Assistant stands up and says, "This bill has been read a third time". Then the Speaker says, "It is now ready to pass." But if the Speaker merely says, "It has been read a third time and passed. Ordered that the Clerk do go down to the House of Commons . . .", I do not see that we would have any problem.

Hon. Mr. Grosart: I do not want to press the matter further, but I point out that what we are doing is agreeing that the procedure is the objective of the exercise. That is, second and third reading are only part of the procedure. I am saying we are making the procedure the objective of the whole exercise.

Hon. Mr. Connolly (Ottawa West): Mr. Chairman, in view of the fact that the formula which will be used by the Speaker hereafter will be what the chairman of the committee has said, I think it will satisfy everyone.

The Chairman: Shall rule 64(2) carry?

Hon. Senators: Carried.

Hon. Mr. Macdonald: Is there any need for the final words there, "and there shall be no further debate or amendment."? It says, "When a Bill is read a third time it shall be deemed to have been passed by the Senate". Should not that finish it?

Hon. Mr. Bourget: It does clarify it, and I think it should remain as it is.

Hon. Mr. Molson: That was the view of the committee. The words are slightly redundant, but in view of our past practice, through all the years up to now, it was felt it was perhaps a desirable redundancy.

The Chairman: Rule 65—no change. Shall rule 65 carry?

Hon. Mr. Prowse: Is not the problem merely this, that "read" and "read" are spelled the same, so you can play with it? I think everyone here understands that when we say that a bill shall be read a third time, the house is agreed to the reading. This does not preclude anyone from saying, "No, it shall not now be read a third time, but..." It merely means we cannot start a debate all over when presumably we have already had at least three kicks at it.

The Chairman: Rule 65—no change. Shall rule 65 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 66—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 67—no change—carry?

Hon. Senators: Carried.

The Chairman: Rule 68 has been repealed, shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Shall rule 69—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 70—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 71—no change—carry?

Hon. Senators: Carried.

The Chairman: Shall rule 72—no change—carry?

Hon. Mr. Flynn: With regard to rule 72, the chairman of the committee just asked leave to sit in a seat other than his normal place. In the other place it is only when the house is sitting as such that a member is obliged to sit at his own seat. In Committee of the Whole this rule does not apply. I am wondering why we should maintain this rule for the Committee of the Whole. Why should not any other arrangement be permitted? As has been indicated today, it is very convenient for the chairman of the committee to be sitting in the first row, while his usual seat may be in the second or third row. I do not see why we should keep this rule. It should be repealed.

Hon. Mr. Molson: Mr. Chairman, I do not think Senator Flynn could have been present at the particular sitting of the committee when this rule was discussed. I do not think there was keen feeling about it, but one of the reasons given for retaining this rule was that it is a great deal easier for the reporters, for example, to follow senators when they are not moving around and changing seats. It makes matters much simpler if senators remain in their own seats. They can always ask for permission to move, as I did. I do not think there was any keen feeling about this rule, as I say, but if in Committee of the Whole we stay in our places it would make everything that much simpler.

Hon. Mr. Flynn: I agree with the argument that it may be helpful for the reporters, but if those who are sitting at the ends of the chamber could come to the middle it would make debate easier to carry on, particularly in Committee of the Whole. I do not see why we should retain this rule. Generally speaking, if all senators were present they would stay in their own seats, but if a certain number were away then we might wish to organize ourselves differently. If I have a seconder, I will move that this rule be repealed.

Hon. Mr. Bourget: I will second that motion, and put forward another reason for repealing this rule. Two senators who have a special interest in a bill may wish to sit together, and ask questions together. I agree with the honourable Leader of the Opposition (Hon. Mr. Flynn). I would like to see this rule repealed.

The Chairman: Is has been moved by Senator Flynn, seconded by Senator Bourget, that rule 72 be repealed. Is the committee ready for the question? Those content will say "content".

Some Hon. Senators: Content.

The Chairman: Those non-content will say "non-content".

Some Hon. Senators: Non content.

The Chairman: The motion is carried.

Shall rule 73 carry?

Hon. Mr. Grosart: Mr. Chairman, I wonder, in view of the repeal of rule 72, whether it will now be necessary to make another exception in rule 73. Perhaps I should address this question to the chairman of the committee. In other words, having repealed rule 72, are we now bound by the other rule requiring senators to speak from their places. I do not know the number of the rule, but it is my recollection that we have a rule to the effect that a senator must speak from his place.

Hon. Mr. Flynn: Yes, that is right.

Hon. Mr. Grosart: If rule 72 is repealed, and rule 73 is left as it stands, then the general rule applying to the Senate will still apply to Committee of the Whole.

Hon. Mr. Flynn: We shall just have to say that rule 32 does not apply.

Hon. Mr. Grosart: What about a senator's voting from his place? Yes, it is rule 32.

Hon. Mr. Molson: Rule 32 reads:

> A senator desiring to speak in the Senate shall rise in his place and address himself to the rest of the senators.

The same is true of calling the roll, and when there is a standing vote. In committee of the whole, if there is an attendance of 60 or more and everybody moved around, that may not make things easy either.

Hon. Mr. Grosart: My understanding of the sense of the chamber in repealing rule 72 is that a senator should be allowed to speak from other than his usual place.

Hon. Mr. Aseltine: In that case persons in the gallery would not know who was speak-

ing. I think we should reinstate rule 72. I move that rule 72 be reinstated.

Hon. Mr. Prowse: Do we have a motion, Mr. Chairman?

The Chairman: We now have a motion that rule 72 be reinstated. It is moved by Senator Aseltine, and seconded by Senator Willis.

Hon. Mr. Prowse: I should like to speak to that motion, in view of what has been suggested. Rule 32 says:

> A senator desiring to speak in the Senate shall rise in his place and address himself to the rest of the senators.

This is not repugnant to what has been suggested in taking out rule 72, which provided that every senator is to sit in his place. One rule talks about the Senate, and the other talks about a committee.

Then, the amendment to rule 32 reads: "In a Committee, the senator shall address the Chair." This is fine. I suppose one could draw an inference from it, but if the rules are interpreted strictly, then this means that if I want to speak to the Senate I have to come back to my own seat and speak from there. This is fair enough, but it does not preclude me, as I am precluded by rule 72, from wandering down the chamber to talk to any other member about something in which we have a common interest.

There is nothing repugnant as between rules 72 and 32. I suggest that we can take rule 72 out because we will then be given the right of moving around and discussing things with persons with whom we have a common interest, in committee. This does not interfere at all with rule 32, the purpose of which is to maintain some control over what is going on.

Personally, I would vote against the motion to reintroduce rule 72.

Hon. Mr. Everett: It occurs to me, Mr. Chairman, that if we continue with the repeal of rule 72, and do not amend rule 73 by providing an exception, we will then be forced back on the Rules of the Senate and rule 32 would apply, which means we would have to retain our seats for the purpose of speaking. If we leave things as they are at present we will have accomplished everything we want to accomplish.

The Chairman: There is a motion before the committee that rule 72 be reinstated. Those content will say "content".

Some hon. Senators: Content.

The Chairman: The non-contents will say "non-content".

Some hon. Senators: Non-content.

The Chairman: Under the Customs and Precedents it is the duty of the Chair to maintain a *status quo*—in other words, keep the debate open for as long as possible until a decision is reached. I will call once more for those who are content.

Hon. Mr. Flynn: Mr. Chairman, would you put the question again?

The Chairman: The motion is that rule 72, which has been repealed, be now reinstated. Those content will say "content".

Some hon. Senators: Content.

The Chairman: The non-contents will say "non-content".

Some hon. Senators: Non-content.

Hon. Mr. Flynn: I suggest that it would simplify matters if we were to stand in our places and be counted.

The Chairman: Honourable senators, it is suggested that we take a standing vote.

Hon. Mr. Grosart: What is the motion again, Mr. Chairman?

The Chairman: The motion is that Rule 72 be reinstated.

The result of the standing vote is: Contents, 22: non-contents, 11. I therefore declare the motion carried.

To clear up any doubt there may be on the matter, I understand by the vote that rule 72 has been reinstated.

Shall rule 73 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 74, repealed, carry?

Hon. Senators: Carried.

The Chairman: Shall rule 75, repealed, carry?

Hon. Senators: Carried.

The Chairman: Shall rule 76, in which there is no change, carry?

Hon. Senators: Carried.

The Chairman: Shall rule 77 carry?

Hon. Mr. Aseltine: What is the change here?

Hon. Mr. Molson: The principal change is that it is proposed that the members selected and appointed to a committee should serve on that committee for the duration of a Parliament rather than for a session. That is the real effect of rule 77. The way in which they are nominated and so on is not changed. Subsection (3) only gives effect from the adoption of the amended rules, as we are now after the beginning of a Parliament.

The Chairman: Shall rule 77 carry?

Hon. Mr. Langlois: In the last line of paragraph (3) are we not going to delete the words "twenty-eighth Parliament" and replace them by the words "said Parliament"? We are not going to make this only for this Parliament, but for any Parliament to come. This is the purpose of it.

Hon. Mr. Molson: No. Perhaps I might explain to Senator Langlois that this is only to give immediate effect, otherwise the Committee of Selection would meet only at the beginning of a new Parliament; this was passed in September. This paragraph is added only to give effect now, to continue the service on the committees of the senators who will be appointed as soon as these rules come into effect. Instead of serving for the balance of this session, they will serve for the balance of this Parliament.

The Chairman: Shall rule 77 carry?

Hon. Senators: Carried.

The Chairman: Honourable senators, may I intervene at this stage to give a short explanation covering the proposed new rules 78 to 82.

You will see a short explanation at the top of page 680. In any event, you may recall that rules 78 to 82 appeared in the Third Report of the Special Committee of the Senate on the Rules of the Senate. They were considered in Committee of the Whole and later adopted with some amendments by the Senate to become effective on the day on which the new Standing Committees of the Senate are reconstituted. The schedule to the Fourth Report, which is the report we are now considering, suggests only one change in the new rules already adopted, namely, in rule 78, paragraph (1). Consequently, may I now ask honourable senators if they will consent to the inclusion in the proposed new rules of rules 78 to 82 as already adopted by the Senate, subject to rule 78 (1) being adopted now?

Hon. Senators: Agreed.

The Chairman: Rule 78(1) is agreed to.

Shall rule 83 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 84 carry?

Hon. Mr. Grosart: I should like to ask a question for clarification. As I understand it, this refers only to a select committee, and the rule would now say, as it has done previously, that a senator who has any pecuniary interest shall not sit on such committee. Exactly what does this mean? Does it mean that if he is a member of the committee he must absent himself or sit in the back? My understanding is that in other committees the rule is that he shall not vote. In this case it seems to go further than that and says that he shall not sit on such committee. What does it mean, if the senator is not permitted to sit on a committee? Does it mean he is not permitted to speak?

Hon. Mr. Molson: Mr. Chairman, the terminology here is exactly the same as in rule 51 on the matter of senators voting. In this case the wording is changed only slightly from the existing rule. In the underlined words you see the words "in the matter referred to any select committee", and the old rule was "in the inquiry to be entrusted to any select committee". It was obvious to the committee in discussion that this did not relate only to inquiries; it related to any matter which might be referred to a committee whether it was an inquiry or otherwise. It might be a bill or any type of matter which went to the committee. The definition of the pecuniary interest not held in common with the rest of the Canadian subjects of the Crown is not one that I consider myself an expert on, but I recall to honourable senators that they have had examples or instances here with relationship to this in the Senate within the last few years. One of them was when applications for charters for new banks were made, and there were sitting on the Banking and Commerce Committee I think four or five directors of other chartered banks. At this stage their interest was declared. It was publicly known. In fact, it was discussed in some articles in the press. Those senators sat on those committee hearings of several applications. There was absolutely no objection.

I am raising this to point out that the definition of "any pecuniary interest whatsoever" is not a black and white one. It seems to be generally accepted that if, for example, a senator were a shareholder in a large corporation with thousands of shareholders, this would not be a pecuniary interest to him that should disqualify him. On the other hand, if he were a partner or a shareholder in a small closely held company or a director in a company which had a bill before a committee, he would be considered to have that interest.

I think the point that the committee was making here, dealing with this rule, was that if this pecuniary interest not held in common with others did exist, that the senator should withdraw from the sittings of that committee. He should not sit on the matter referred to the committee. I think this is the point. The actual changes from what existed in the rule book historically up to now is very slight. It is only that it changes the words "in the inquiry" to "in the matter referred". That may not be a very good explanation, but I think it is as good as my legal training will permit.

The Chairman: Is there any further discussion on rule 84? Shall rule 84 carry?

Hon. Senators: Carried.

The Chairman: In rule 85 there is no change. Shall rule 85 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 86 carry?

Hon. Mr. Cameron: Does that mean that the Senate Committee on Science Policy cannot sit when the Senate is sitting?

Hon. Mr. Bourget: That is a special committee, which is different from a select committee.

Hon. Mr. Molson: There is special permission from the Senate in the terms of reference provided for the Special Committee on Science Policy and, in fact, for the Special Committee on the Rules of the Senate. The terms of reference of both contain the permission to sit while the Senate is in session.

The Chairman: Shall rule 86 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 86A carry?

Hon. Senators: Carried.

The Chairman: Shall rule 86B carry?

Hon. Senators: Carried.

The Chairman: Shall rule 86C carry?

Hon. Senators: Carried.

The Chairman: Shall rule 86D carry?

Hon. Mr. Molson: Mr. Chairman, as we know, in the past, committees have appointed subcommittees on occasion. It was not a common practice, but in view of the change approved by the Senate to our standing committees, the Committee on the Rules felt that this might be a most useful vehicle to these committees, to appoint subcommittees, and thought that the practice might become more common than in the past.

The Chairman: Shall rule 86D carry?

Hon. Senators: Carried.

The Chairman: Shall rule 87(1) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 87(2) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 87(3) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 87(4) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 87(5) carry?

Hon. Senators: Carried.

The Chairman: In rule 88 there is no change. Shall rule 88 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 89 carry?

Hon. Senators: Carried.

The Chairman: Rule 90 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Shall rule 91 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 91A carry?

Hon. Senators: Carried.

The Chairman: Shall rule 92 carry?

Hon. Senators: Carried.

The Chairman: Rule 93 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: In rule 94 there is no change. Shall rule 94 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 95 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 96 carry?

Hon. Senators: Carried.

The Chairman: In rule 97 there is no change. Shall rule 97 carry?

Hon. Senators: Carried.

The Chairman: In rule 98 there is no change. Shall rule 98 carry?

Hon. Senators: Carried.

The Chairman: In rule 99 there is no change. Shall rule 99 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 100 carry?

Hon. Senators: Carried.

The Chairman: In rule 101 there is no change. Shall rule 101 carry?

Hon. Senators: Carried.

The Chairman: In rule 102 there is no change. Shall rule 102 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 103 carry?

Hon. Senators: Carried.

The Chairman: In rule 104 there is no change. Shall rule 104 carry?

Hon. Senators: Carried.

The Chairman: In rule 105 there is no change. Shall rule 105 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 106 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 107(1) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 107(2) carry?

Hon. Senators: Carried.

The Chairman: Do I understand that rule 107(2) shall carry?

Hon. Mr. Molson: Rule 107(1) is the same, but in the subsequent paragraph the wording has been changed to give a modern sense to what is implied in the old rule. The old rule applied in terms of a railway or canal company, which dealt with the most common construction works that occurred. It is well realized today that the construction of canals is rare and that the construction of railroads is limited usually to small extensions. It is also realized that such matters as airlines, pipelines and telecommunications should be included. These clauses were then redrafted and rewritten to try to take those factors into account. This takes account also of those changes which have occurred in the news media and the coverage of the country by news media, so that adequate notice may be given to all those concerned of any work which might affect their property or their rights.

Hon. Mr. Grosart: Although there is not likely to be a reproduction of the material in the right-hand column, in case there should be, may I draw attention to a drafting error in printing the word "Canada" instead of "canal".

The Chairman: Shall rule 107(2) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 107(3) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 107(4) carry?

Hon. Senators: Carried.

The Chairman: Rule 108 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 109 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 110 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Shall rule 111(1) carry?

Hon. Senators: Carried.

The Chairman: Shall rule 111(2) carry?

Hon. Senators: Carried.

The Chairman: In rule 112 there is no change. Shall rule 112 carry?

Hon. Senators: Carried.

The Chairman: In rule 113 there is no change. Shall rule 113 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 114 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 115 carry?

Hon. Senators: Carried.

The Chairman: In rule 116 there is no change. Shall rule 116 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 117 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 118 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 119 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 120 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 121 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 122 carry?

Hon. Senators: Carried.

The Chairman: Rule 123 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Rule 124 is being repealed. Shall the repeal carry?

Hon. Senators: Carried.

The Chairman: Shall rule 125 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 126 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 127 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 128 carry?

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Hon. Senators: Carried.

The Chairman: Shall rule 129 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 130 carry?

Hon. Senators: Carried.

The Chairman: Shall rule 131 carry?

Hon. Senators: Carried.

The Chairman: In rule 132 there is no change. Shall rule 132 carry?

Hon. Senators: Carried.

Hon. Mr. Prowse: Mr. Chairman, may I, with consent, refer back to rule 86B?

Some Hon. Senators: No, no.

Hon. Mr. Prowse: This rule says "A report of any select committee shall contain the conclusions agreed to by the majority, and shall not reflect minority or individual opinions."

Hon. Mr. Croll: That is the usual rule.

Hon. Mr. Prowse: This rule has gone through with the rest in the rush to get through everything after we had given considerable consideration to other things earlier. However, there are one or two points involved here that I would like to discuss, but I must have permission to do so.

The Chairman: Does the Senate give permission for the discussion of rule 86B which has already been adopted?

Some Hon. Senators: Agreed.

Hon. Mr. Aseltine: That has always been the rule as far as I understand.

Hon. Mr. Molson: Mr. Chairman, this has been the practice of the Senate throughout its history and the committee did not see any reason to change it. The House of Commons and the Parliament of the United Kingdom have this rule. I am not sure how much further we went, but the committee found no valid reason to change this. This is a report of the majority of the members of the committee and it is accepted as such, and it is in accordance with the custom and practice. I think that is all that can be said.

Hon. Mr. Roebuck: Minorities can be heard in the debate.

Hon. Mr. Prowse: Honourable senators will note in the explanatory note it says "86A,

86B, 86C and 86D are new rules added for the sake of clarity." And I would point out that rule 86B is one of the new rules which has been added. Now these may be rules which are somebody's interpretation of *Bourinot* or *Beauchesne* or whatever rules they looked at, and I know it has been the practice in some areas to say that the report shall reflect merely the view of the majority of the members of the committee. I submit that when we are handing down a report and the report that is published at public expense, and we say "This is the report of the committee", and the names of the people on the committee are listed, the presumption in the mind of the ordinary person is that it is a report which has been concurred in by each and every one of the persons whose names appear as members of the committee.

Hon. Mr. Aseltine: No.

Hon. Mr. Prowse: Oh, yes. Let us not forget that we in this chamber are presumably supposed to have had some experience and are possessed of some sophistication in these matters and are able to draw distinctions. Perhaps I flatter everybody here, including myself, in this regard, but the fact remains that we may be expected to be such persons. But when the report goes out to the public, there is no pretence on the part of the ordinary citizen that he himself would make any claim to being particularly sophisticated in these matters, and when he sees a committee report he thinks that this must be what the people believe.

We have had the same situation in various places where committees have been set up, and there is always this complaint. My feeling is that in law when we go to a court of appeal and a judgment is given, it is always recorded that the judgment of the court was given by Mr. Justice X, in which case you assume that everybody assented to the judgment. On the other hand, you may see read a judgment that was given by Mr. Justice X and was assented to by Mr. Justice Y who says "I agree with what Mr. Justice X says". Then you may have a dissenting judgment. In this way people have to dissent before the real judgment. Now if we are to achieve here what we hope to achieve, namely, the broadening of the investigative function of the Senate, then we are undoubtedly going to move eventually into areas where there is room for honestly held opposing opinions, and unless we provide in our report that there should be an opportunity for dissent, we are destroying a great deal of the useful purpose which might otherwise be served. We are dealing here with what is to be done by committees of the Senate. We will be dealing in the future, I suggest, with broadened responsibilities for those committees. Therefore, I think that under rule 86B we will be serving the people of Canada, whom it is our reponsibility to serve, much more usefully, much more honestly and effectively by providing for the addition of minority opinions or reservations to a report than by insisting that the majority opinion only should be put in the report. If we are to provide people with the basis and the information necessary to make decisions, then surely we are entitled to all the facts and opinions which have been considered, not merely the opinions which happened to have prevailed in a particular place at a particular time, perhaps merely because of the particular talents for persuasion which may have been possessed by one individual.

I think we serve no useful purpose by having rule 86B in there, and I move that it be struck out.

Hon. Mr. Walker: Honourable senators, I agree with my learned friend about the courts, that there is a majority judgment and a dissenting judgment. However, this is not a court, and the parliamentary practice as always been that from a committee only one report emanates, that is the majority report. After all, it is only a report from a committee, and no minority report, as far as I am aware, has ever been allowed.

Hon. Mr. Flynn: Mr. Chairman, may I just say a word? I do not like the idea in this text that forbids the reflection of minority or individual opinions. I think this we could do away with. I think we should say, "A report of any select committee shall contain only the conclusions agreed to by the majority", and that the last words should be deleted because, according to circumstances, the report may reflect or allude to opinions expressed by a minority. The way it is put here seems to preclude any reference to opinions of a minority, which I think is unnecessary. I think the Special Committee on Divorce expressed views of minorities. Therefore, it may be sufficient at this time, subject to reconsideration eventually, that we delete the words, "and shall not reflect minority or individual opinions."

Hon. Mr. Aseltine: The minority could be heard when the report is up for adoption.

Hon. Mr. Flynn: I agree, but I say we should not forbid the committee alluding to minority opinions. I think it would be sufficient to say, "A report of any select committee shall contain only the conclusions agreed to by the majority."

Hon. Mr. Roebuck: And that is enough.

Hon. Mr. Flynn: And that is enough. If the committee wants to allude to opinions expressed by a minority, that is their own business. If they do not want to do it, very well. But why say, "You shall not tell us about the opinions expressed by the minority"?

I would move an amendment to this effect.

Hon. Mr. Croll: I will support the amendment. I think there is a good basis for saying it should read; "A report of any select committee shall contain the conclusions agreed to by the majority". The minority can always have their say when the report comes up for adoption.

I think I know what is in Senator Prowse's mind, and he is, after all, an experienced parliamentarian. If you have been in opposition in the Alberta house you have had your years of experience of majority reports, and there is no reflection of the minority. My friend has spent many years in opposition in the Alberta house, and I know exactly what he means.

Hon. Mr. Flynn: So do I—

Hon. Mr. Croll: You finally caught on—he was under Manning. If you allowed that to happen you would have no end of individual reports. Recently there was a report in the other place concerning which the N.D.P. attempted to hand out, ahead of the committee report, a minority report. They looked silly after a while. There is the report of the committee, and there are people who can object and they can say what they want to say by way of their own views on it. I think we ought to let it stand at that.

The Chairman: Does the Committee give consent to revert to rule 86B?

Hon. Senators: Agreed.

The Chairman: You have heard the motion duly moved and seconded.

Hon. Mr. Walker: Senator Prowse brought this up. Does this meet your objection, Senator Prowse?

Hon. Mr. Prowse: I am a realist. I would withdraw my original motion to let the one that has a chance of passing be dealt with.

The Chairman: It is moved by Senator Flynn, seconded by Senator Croll, that rule 86 be amended as follows:

> A report of any select committee shall contain any conclusions agreed to by the majority.

Hon. Mr. Molson: "only the conclusions".

The Chairman:

> A report of any select committee shall contain only the conclusions agreed to by the majority.

Hon. Mr. Grosart: I would suggest we omit the word "only". And I say I would prefer to be voting for Senator Prowse's motion, to take it out entirely. It is rather absurd to say that the report of a committee shall contain the conclusions agreed to by the majority; that is as obvious as anything can be. However, as the wording of the amendment is not clear, I would suggest that we certainly do not put the word "only" in there, because this involves us in absurdity, to say that the report "shall contain 'only' the conclusions..." It might very well contain a comment on the conclusions reached by the minority, and quite properly so.

The Chairman: Honourable senators, if I understand correctly, the suggestion is that rule 86B shall now read:

> A report of any select committee shall contain the conclusions agreed to by the majority.

Hon. Mr. Roebuck: I wish to say I agree with this amendment. The amended rule goes much too far—"and shall not reflect minority or individual opinions." Any assembly of reasonable persons will always reflect opinions of others. This would seem to go so far that it slaps the minority in the face. It is unnecessary and very bad policy. I am all for the amendment to strike it out.

Some Hon. Senators: Agreed.

The Chairman: Shall rule 86B, as amended, carry?

Hon. Senators: Carried.

The Chairman: Shall I report the schedule, as amended?

Hon. Senators: Carried.

The Hon. the Speaker: The sitting is resumed.

Hon. Mr. Macnaughton: Mr. Speaker, the committee to which was referred the Schedule to the Fourth Report of the Special Committee of the Senate on the Rules of the Senate has taken the said schedule into consideration and now reports the same with several amendments which I am ready to submit whenever the Senate is pleased to receive them.

The Hon. the Speaker: Honourable senators, the Chairman of the Committee of the Whole, to which was referred the Schedule of the Fourth Report of the Special Committee of the Senate on the Rules of the Senate, reports that it has taken the said Schedule into consideration and now reports the same with several amendments.

When shall these amendments be taken into consideration?

Some Hon. Senators: With leave, now.

Hon. Mr. Molson: Honourable senators, I move that the Schedule to the Fourth Report of the Special Committee on the Rules of the Senate, as amended, be now adopted.

Motion agreed to.

Hon. Mr. Molson: Honourable senators, I would now move:

> That the revised Rules of the Senate contained in the Schedule to the Fourth Report of the Special Committee of the Senate on the Rules of the Senate, as amended in Committee of the Whole and adopted by the Senate, be printed in the English and French languages in conformity with the arrangement, style, numbering and lettering used in the Statutes of Canada, with a detailed index, an appendix showing a bibliography of related statutes and an appendix of relevant forms of proceedings,, the responsibility therefor to be entrusted to the Clerk of the Senate, the Law Clerk and Parliamentary Counsel of the Senate, and the Legal Counsel of the Special Committee of the Senate on the Rules of the Senate.

The Hon. the Speaker: Honourable senators, with leave of the Senate, it is moved by honourable Senator Molson, seconded by honourable Senator Leonard,—

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

[*See page 718*]

REPORT OF CANADIAN DELEGATION TO 56th INTER-PARLIAMENTARY CONFERENCE, LIMA, PE RU, September 5-13, 1968.

1. Canadian Delegation

Grant Deachman, M.P., Leader of the Delegation
Hon. J. M. Dessureault, Senator
Hon. A. H. McDonald, Senator
Hon. G. S. Thorvaldson, Senator

Gordon Aiken, M.P. Gustave Blouin, M.P.
Yves Forest, M.P. Leonard Hopkins, M.P.
Gérard Laprise, M.P. Carl Legault, M.P.
Barry Mather, M.P. Georges Valade, M.P.
Eugene Whelan, M.P. Eldon Woolliams, M.P.

Mr. Gordon Dubroy—Association of Secretaries General of Parliaments (Clerk Assistant, House of Commons)

Miss Jean Macpherson—Secretary to the Delegation.

2. Conference Organization

National Groups from sixty-three countries participated in the entire Conference, plus the delegation from the Republic of Vietnam whose National Group was granted reaffiliation with the Union during the Conference.

The Conference took place in the Parliament Building of Peru, with all plenary sessions taking place in the Chamber of Deputies and committee meetings in the Senate Chamber and the Chamber of Deputies.

On the agenda of the Conference were four draft resolutions which were debated first in plenary session where amendments were proposed. After completion of the plenary debates, these draft resolutions and amendments were sent to the appropriate committee for detailed study and the preparation of a report to be put to a vote at the final plenary session on September 13.

3. Inaugural Ceremony

Senator Louis Alberto Sanchez, Chairman of the Organization Committee and Leader of the Peruvian delegation extended a warm welcome to all delegates.

The President of the Congress, Mr. Manuel Cox, and the President of Peru, Mr. Belaunde Terry, also welcomed the visiting parliamentarians.

Mr. Abderrahman Abdennebi of Tunisia, Acting President of the Inter-Parliamentary Union, thanked the Peruvian Parliament and the Peruvian people.

4. Effects of the Conference

(a) The Conference adopted resolutions on the five subjects put before it for decision. These have been distributed to all National Groups and are attached as Appendix I. The Canadian delegation supported the resolutions with its fourteen allotted votes.

(b) Each Committee proposed its own Work Program for 1969. The proposals for these Study Committees are attached as Appendix II.

(c) This year a new President of the Interparliamentary Council, Mr. André Chandernagor, (France), was elected by secret ballot to conduct the Union's affairs for a period of three years. Three vacancies on the Executive Committee which consists of eleven members from different National Groups were filled during the Conference. The results of these elections are given in Appendix III.

(d) The place and dates of the 57th Inter-Parliamentary Conference to take place in 1969 were confirmed and the composition of the Inter-Parliamentary Council determined for the intervening period.

(e) The Conference provided an opportunity for all delegates to establish contacts with world specialists on a wide variety of subjects, to increase understanding of the problems and difficulties facing parliamentarians in different countries through the exchange of knowledge and experiences and to explore in depth the political, economic, social, cultural and governmental structures of the host country.

5. Participation by the Canadian Delegation

Not more than two representatives from a delegation were permitted to speak to each draft resolution put before the plenary sessions with a combined time allotment of 15 minutes. Since only four draft resolutions were on the agenda, not all members of the

delegation were able to speak during the plenary sessions. At its first caucus the delegation selected eight representatives to speak on behalf of Canada during the plenary sessions. The roster of speakers on the agenda items permitted the maximum participation of eight speakers from the Canadian delegation. (Only one other delegation achieved optimum participation).

(a) General Debate and draft resolution

"Concrete Measures for ensuring, in particular at the Parliamentary level, the implementation of the United Nations Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty."

Senator J.-M. Dessureault, a Member of the Executive Committee of the Inter-Parliamentary Union, spoke on the opening day of the Conference and Senator Dessureault noted Canada's particular interest in Latin America as evidenced by a contribution of forty million dollars to the Inter-American Development Bank for development programs in Latin America. He also pointed out that the special Canadian Ministerial Mission would begin its visits to Latin American countries in October, indicating Canada's desire to participate actvely in the progressive development of the Southern Hemisphere.

The first draft Resolution placed before the Conference was one related to "Concrete measures for ensuring, in particular at the parliamentary level, the implementation of the United Nations declaration on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty." Although a delegation from Czechoslovakia was not present at the Conference, the debate focused on the situation in that country. Grant Deachman, M.P., who spoke for the Canadian delegation, reminded participants of the strong stand the Canadian Government had taken against the intervention in Czechoslovakia's domestic affairs by the invading foreign forces and he asked the U.S.S.R. delegates to take the example of parliamentarians in other countries who had waged bitter and successful battles for parliamentary supremacy. Mr. Deachman stated that "acts such as that committed against Czechoslovakia were not made by nations in which parliaments and people were supreme".

After a debate lasting for two days, the draft, along with five proposed amendments, was referred to the Committee on Political Questions, International Security and Disarmament for detailed study and the drafting of an amended resolution for submission to the plenary body. Senator Dessureault, Messrs. Deachman, Valade and Whelan, actively participated in the work of this Committee. In addition to the above subject, the committee considered a draft resolution on "The Rebirth of Nazism and Racial Intolerance" submitted by the Polish Group. Four amendments were proposed, including one by Mr. Valade which was adopted. Mr. Valade successfully convinced the committee that the resolution should not be confined to racial intolerance but should also incorporate religious intolerance as an equally virulent threat to human rights and dignity. The committee also discussed and brought forward a resolution on "The Events of Nigeria" which was adopted by the Conference in plenary session. The Committee voted in favour of the reaffiliation of the National Group of the Republic of Vietnam. Following this vote, the National Groups from the Warsaw Pact countries and from Mongolia walked out of the Conference.

The committee completed its functions by recommending proposals for the 1969 work program of the committee on Political Questions, International Security and Disarmament.

(b) Draft Resolution on "Parliament's Role in the Elaboration and Control of National Science Policy"

On behalf of the Canadian delegation, Mr. Gordon Aiken, M.P., presented an amendment to the draft resolution to point out that "Canada believed that parliaments had a responsibility to their people to ensure that science policy did not become a tool for political or military objectives at the expense of human betterment". In support of Mr. Aiken's amendment, Mr. Leonard Hopkins, M.P., enlarged upon Canada's many achievements in scientific research and concluded by saying "if nations of the world today fail to develop national science policies that emphasize the dignity and worth of mankind, instead of military might, then surviving peoples of the world may very well be justified in condemning our age".

Following a morning's debate, the Canadian amendment, along with two others, was then sent to the Educational, Scientific and Cultural Committee for detailed study. The Canadian amendment was accepted unanimously and

was incorporated into the resolution adopted by the Conference.

The Committee also agreed upon recommendations for its Work Program in 1969.

(c) Draft Resolution on "Colonialism, Neo-Colonialism and New Forms of Racial, Religious, Political and Economic Discrimination"

While this draft was generally acceptable to the delegation, it was felt that Canada's voice should be heard during the plenary debate. As first speaker, Mr. Eldon Woolliams, M.P., recommended "that to assure freedom to people within the boundaries of countries under the domination of others a free vote be given to them supervised by an International Commission". He went on to say that "because of the recent aggression against Czechoslovakia and other countries the veto power in the U.N. Security Council should be reviewed." Mr. Eugene Whelan, M.P., in his speech emphasized that "Canada rejects the policy of intervention by any country in the domestic affairs of other sovereign states either by force or other means."

Because four amendments were submitted to the original draft resolution, all were sent to the Committee on Non-Self-Governing Territories and Ethnic Questions. In addition to Messrs. Woolliams and Whelan, the other Canadian delegates to participate in the Committee's proceedings were Mr. Carl Legault, M.P., and Mr. Gérard Laprise, M.P. The work of the Committee resulted in the forging of a resolution which was later adopted by the Conference.

(d) Draft Resolution on "Methods of Providing Aid to Developing Countries through Stable Prices for Exported Products, Development of Primary Industries, and Effective Financial Assistance."

The Canadian delegation to the 1968 Spring Meetings in Dakar took the initiative in having this subject put on the Conference agenda. Mr. Yves Forest, M.P., in his speech, suggested the solution to the problem would require a profound change in the approach to helping developing countries. He pointed out that the population of the world could double between now and the end of the century and that an enormous increase in agricultural production would have to be attained in order to provide an adequate level of consumption throughout the world.

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Senator G. S. Thorvaldson also spoke during this debate and stated "that, despite disappointment about what had been achieved at the recent UNCTAD meetings, Canada was determined to continue her cooperation with others to solve the pressing problem of inequality of economic standards".

The draft resolution and one proposed amendment were referred to the Economic and Social Committee. Mr. Legault worked with Senator Thorvaldson and Mr. Forest during the Committee stage where agreement was reached on a resolution subsequently adopted by the Conference.

The Committee also proposed a Work Program for 1969.

(e) The agenda for plenary debate did not include an item falling within the direct purview of the Parliament and Juridical Committee but a spirited debate on a resolution "Violation by the Greek Authorities of the Citizens' Fundamental Rights and Liberties" took place in the Committee. Canadian delates who actively participated in these discussions were Senator A. H. McDonald and Messrs. Blouin, Forest and Laprise.

The Committee also established its Work Program for 1969.

(Miss) Jean Macpherson,
Secretary to the Delegation.

November 7, 1968.

Appendix I

RESOLUTIONS

1.

Concrete Measures for ensuring, in particular at the Parliamentary Level, the Implementation of the United Nations Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty

The 56th Inter-Parliamentary Conference,

NOTING the great international significance of the Declaration adopted by the XXth Session of the United Nations General Assembly on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty,

EXPRESSING serious concern that, despite the unanimous approval and adoption of the above-mentioned Declaration, some States continue armed intervention in the domestic affairs of other states in different parts of the world, as well as carry on other forms of

direct or indirect interference with the sovereign independence of other countries and nations, resulting in increased international tension and in threats to universal peace.

GIVING full support to the Resolution adopted by the XXIst Session of the United Nations General Assembly on the Implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty,

REALIZING the urgent need for adoption by Parliaments of concrete measures so as to achieve strict observance of the principles of the said Declaration,

1. CONSIDERS it its duty to call upon the Parliaments of all countries:

(a) To contribute, in all their foreign-policy activities, towards the strict implementation of the principles of the Declation of the XXth Session of the United Nations General Assembly on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, as well as of the Resolution on the implementation of this Declaration adopted by the XXIst Session of the United Nations General Assembly;

(b) to secure the immediate termination and permanent avoidance of recourse to armed intervention and, while respecting the rights of the occupied peoples to self-defence, abstention from the promotion or organization of subversion, terrorism and sabotage by States, or other indirect forms of intervention in another State, for the purpose of jeopardizing its security, changing by violence the existing system or interfering in civil strife in another state;

(c) to oppose actively all actions directed towards interference in the domestic affairs of other States, particularly by open parliamentary discussion of such actions and by refusal to approve appropriations for carrying them out, and to counter all other actions which hamper the unconditional application of the humane principles of non-intervention and national independence in the practice of international relations;

(d) to ensure that all peoples and nations freely exercise their right to independence, sovereignty and self-determination without foreign interference and with absolute respect of human rights and fundamental liberties;

2. DISAPPROVES of the military action undertaken against Czechoslovakia in violation of the United Nations Charter and international law and of the steps taken against the State's legitimate representatives with the object of preventing their voices from being heard;

3. ENDORSES, in spite of the veto, the Security Council's draft resolution of August 23, in particular the call for withdrawal from Czechoslovakia of the foreign forces participating in the occupation and the cessation of all other forms of intervention in Czechoslovakia's affairs;

4. PAYS TRIBUTE to the victims and expresses its admiration to the Czechoslovak nation and Parliament for the unanimity and firmness of their resistance in the hope that it will permit Czechoslovakia to recover its freedom and sovereignty without delay.

II

THE EVENTS IN NIGERIA

The 56th Inter-Parliamentary Conference,

REALIZING the danger of the conflict in Nigeria and its tragic consequences on the life of the people in the country,

1. SUPPORTS the humanitarian efforts undertaken by the Consultative Committee of the OAU on Nigeria, currently meeting in Addis Ababa;

2. APPEALS to the leaders of both parties concerned to accept the good offices of the Committee and to consider any proposal which may lead to possible reconciliation;

3. CALLS UPON the leaders of African nations due to meet in Algiers to continue to do their utmost for the peaceful settlement of the conflict.

III

Methods of providing Aid to Developing Countries through Stable Prices for Exported Products, Development of Primary Industries and Effective Financial Assistance

The 56th Inter-Parliamentary Conference,

CONVINCED that continued efforts are essential to accelerate economic and technological progress and to promote mutual understanding among nations,

RECOGNIZING that the economic growth of developing countries at a satisfactory pace is a question of fundamental importance not

only for these countries but for the future of mankind,

CONVINCED that the "Principles governing international trade relations and trade policies conducive to development", adopted by the United Nations Conference on Trade and Development in 1964, create the basis for normalizing international trade and reflect a progressive conception of international economic relations,

CONSIDERING that the deterioration in terms of trade, that is to say in the relation between the prices of exported and imported goods, seriously impedes the economic progress of developing countries,

SUPPORTING the intensive efforts of the developing countries to put an end to economic backwardness as quickly as possible and to build up a strong national economy,

TAKING INTO ACCOUNT the need for encouraging the development of products of national importance, the expansion and diversification of all channels of international trade and, more particularly, the stabilization of equitable prices for basic exports of developing countries.

APPEALS to the Parliaments of all countries to exert influence on their respective Governments:

(a) to mobilize the efforts of their States for the speedy implementation of the decisions of the United Nations Conferences on Trade and Development contributing towards the expansion and normalization of international trade, on the basis of the principles of equality, respect for sovereignty, non-interference in internal affairs of countries and mutual benefit;

(b) to make every effort to ensure the practical realization of the decisions adopted by the United Nations Conference on Trade and Development held in New Delhi with regard to:

(i) the stabilization of prices of raw materials and basic products;

(ii) the promotion of industrialization;

(iii) The provision of financial aid without strings on an international, multilateral or bilateral basis to the developing countries;

(iv) the provision of technical advice and assistance of all types;

(v) the reduction of restrictive trade barriers;

(vi) the establishment of supplementary financial measures, as set out in Annex IV 18 to the Final Act of the first Conference and now under study by the Inter-Governmental Group on Supplementary Financing, designed to deal with problems arising from adverse movements in export proceeds of a nature which cannot be adequately dealt with by short-term balance-of-payments support.

IV

Parliament's Role in the Elaboration and Control of National Science Policy

The 56th Inter-Parliamentary Conference,

CONSIDERING science to include not only the basic study of natural laws but also the application of this knowledge for mankind's needs through development, technique and technology,

NOTING the continually increasing importance of science in the life of all peoples and its essential role in economic development,

Recognizing the necessity for every State to set its own goals, to formulate and implement a science policy in harmony with its own national development and to help itself towards the achievement of its goals.

Recognizing also the universal nature of science, the imperative necessity for international co-operation in the different branches of science and the mutual benefits to be drived from world-wide co-operation in all scientific fields,

Considering that the agreements reached in the spheres of disarmament and restrictions on nuclear weapons create favourable conditions for the future development of peaceful forms of scientific and technical research,

Aware of efforts to promote national science policy planning by Unesco, the Advisory Committee of the Economic and Social Council of the United Nations on the Application of Science and Technology to Development, and other international organizations, and of the advantages of strengthening the relationship between the Inter-Parliamentary Union and Unesco in this area as well as in other fields of common interest,

Believing that it is the responsibility of Parliaments to help formulate and control national science policies and to ensure that scientific advances are applied for the peaceful development of the national economy and for social progress,

1. Reaffirms the resolution adopted by the 55th Inter-Parliamentary Conference on the Application of Science and Technology to Economic Development, drawing particular attention to the invitation to developing countries to establish organs and institutions for studying means of harnessing the national scientific and technological potential for the purpose of economic development;

2. Requests that Unesco continue, in co-operation with other international agencies, to assist nations with science policy planning;

3. Expresses the hope that the developed nations will search for new ways to share the benefits of their scientific knowledge and capabilities with the developing nations for the maximum benefit of all people of the peoples of the world;

4. URGES all Parliaments to ensure that national scientific activities are provided with the human, financial and material resources necessary for their full development and to establish the governmental bodies and institutions required for the elaboration and co-ordinated implementation of a national science policy, giving emphasis to education as well as to research and development;

5. RECOMMENDS that each Parliament take the initiative in defining the objectives of a national science policy designed to meet its national needs and the guiding principles for achieving those objectives;

6. RECOMMENDS FURTHER that all parliamentarians be made aware of their new responsibilities in the sphere of science and technology;

7. INVITES consideration by legislative assemblies of the following procedures to ensure that their new responsibilities in the field of science are fulfilled:

(a) Establishment of standing parliamentary committees specially constituted for the examination of questions relating to science policy with the aim of helping to co-ordinate scientific activities and avoiding duplication of effort without adversely affecting basic scientific research;

(b) Provision to parliamentarians of access to all sources of information and the assistance necessary for debating questions regarding science policy with a full knowledge of the facts;

(c) Creation of opportunities for exchanging ideas with qualified representatives of the scientific community drawn from industry, education and other private circles, as well as from Government;

(d) Adoption of long-term and medium-range plans for scientific development, as well as functional budgets for scientific activities;

8. URGES that all Parliaments maintain vigilance to assure that national science policy is directed mainly towards peaceful purposes and human betterment.

V

Colonialism, Neo-Colonialism and New Forms of Racial, Religious, Political and Economic Discrimination

The 56th Inter-Parliamentary Conference,

RECALLING its attachment to the basic principles contained in the Universal Declaration of Human Rights and guaranteed by Article 55 of the United Nations Charter and in the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations General Assembly in Resolution 1514 (XV),

AWARE that respect of fundamental rights and freedoms is an integral element of the dignity of human beings, the violation of which, by acts of racial, national or religious intolerance, is liable seriously to compromise international security,

DEEPLY CONCERNED that, despite the recent liberation of many peoples from colonialist rule, there remain a great number of human beings in certain parts of the world who are still under its yoke,

DEEPLY CONCERNED, furthermore, at the maintenance and practice of racial discrimination in certain States which constitute a denial of the right of peoples to self-determination, in particular by the policy of apartheid,

CONVINCED that the efforts to promote human rights throughout the world are still insufficient to eliminate all forms of intolerance,

NOTING that the gap between the industrialized and the developing nations is widening and that this constitutes one of the most urgent problems of the age which seriously hinders the establishment in the developing countries of effective freedoms based on the economic, social and cultural promotion of the individual,

1. CONDEMNS violations of human rights and fundamental freedoms wherever they occur;

2. ASSOCIATES itself with the work of the numerous international organizations preoccupied with these problems, particularly the General Assembly, the Economic and Social Council and the Commission on Human Rights of the United Nations;

3. INVITES delegates to take action in their respective Parliaments to ensure the adoption of legislative measures which would promote absolute respect for human rights and the elimination of all forms of discrimination based on race, sex and religion, as well as of all propaganda designed for this purpose;

4. URGES them to increase their efforts for the acceleration of the process of decolonization of the still dependent territories on all continents, in keeping with the United Nations resolutions;

5. APPEALS to National Groups to exert their influence to urge their Governments to cooperate with the United Nations without delay by taking positive steps against violations of the territorial sovereignty of nations;

6. URGENTLY REQUESTS governments:

(a) to seek a solution for alleviating the economic difficulties of developing nations resulting from the trade and economic conditions maintained by neocolonialist policies;

(b) to support the work of the 1964 Geneva Conference on Trade and Development, especially regarding the state of world market prices for raw materials, the intensification of technical aid and investments of a productive character;

(c) to support the granting of aid through the intermediary of international organizations.

Appendix II

GROUP PROPOSALS FOR STUDY COMMITTEES' WORK PROGRAMMES—1969

1. Committee on Political Questions, International Security and Disarmament

1. Dispatch by the Inter-Parliamentary Union of an Information Committee to note on the Spot, in Laos, the Exact Situation of Laos and the Open and Characterized Aggression against that Country by the Democratic Republic of Vietnam.

2. Efforts by Parliaments to contribute to the Achievement, as rapidly as possible, of an Agreement on the Conclusion of an International Convention on the Use of Nuclear Weapons.

2. Economic and Social Committee

1. The Contribution of Co-operative Systems towards the Consolidation of Developing Societies.

2. Make the Distinction between Developed Countries and Under-Developed or Developing Ones among the Member Countries of the Inter-Parliamentary Union.

3. Study the possibility of assisting Developing Countries with their Trade Balance of Payments and in improving Industrial and Handicraft Production. Encourage and facilitate Commercial Exchanges.

4. Initiatives to increase the Share of Developing Countries in the Profits gained by Foreign Monopolies from the Exploitation of the Natural Resources of these Countries.

3. Parliamentary and Juridical Committee

1. Role of Local or Territorial Collectivities—Adaptation of their Structures to Requirements of the Modern World, and their Relations with Parliament

2. The Essence of any Parliamentary System must be that the Voters are genuinely free to select their own Representatives from the Political Party of their Individual Choice

3. Role of Parliament in educating Youth in Principles of Democracy

4. Educational, Scientific and Cultural Committee

1. The Necessity of International Control of the Exploitation of the Riches of the Deep Sea-Bed and Ocean Floor for Peaceful Purposes and for the Benefit of all Mankind.

2. The Use of Solar Energy in the Development of Deserts and Arid Zones.

3. Free Access to Tourism, particularly for that which has a Religious, Cultural and Curative Aspect.

4. Importance of Vocational Training.

5. Cultural Exchanges.

6. Conservation of Nature.

7. Means of Inter-Parliamentary Information on the Practical Utilization, in the Economic, Cultural and Social Spheres, of National and International Scientific Acquisitions and of the Texts drafted in the Various Parliaments for this Purpose.

8. Study of the Concrete Measures to be taken by Parliaments for the Defence of Historic Sites and, in general, of the Artistic, Historic and Archeological Patrimony—Man-

kind's Patrimony which should be preserved for Future Generations.

9. The need for Parliament to undertake a more detailed study of the Social and Mental Problems arising from the Incidence of Noise, especially to examine Ways and Means in which Community and Domestic Life can be protected.

10. The Responsibility of Parliament to undertake programmes of Study and Legislation that will ensure the Most Effective Use of All Automation and the Adequate Protection of Human Rights and Interests as these Processes are developed and improved.

Appendix III

ELECTIONS

Election of the President of the Inter-Parliamentary Council

In accordance with Article 14 of the Statutes, the Inter-Parliamentary Council elected its new President on September 11th during its 103rd session, held at the time of the 56th Conference.

Mr. André Chandernagor (France), member of the National Assembly and Chairman of the Union's Parliamentary and Juridical Committee, was elected to this office for a period of three years.

Elections to the Executive Committee

The results of the elections held by the 56th Inter-Parliamentary Conference for the seats of the three members whose mandates expired in 1968 were as follows:

Name	Country	Length of Term
Mr. M. Margah Mboua	Cameroon	1968-1972
Dr. N. S. Reddy	India	1968-1972
Dr. L. A. Sanchez	Peru	1968-1972

THE SENATE

Wednesday, December 11, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

CENSUS AND STATISTICS

REPORT OF COMMITTEE

Hon. T. D'Arcy Leonard, Acting Chairman of the Standing Committee on Banking and Commerce, presented the following report:

> The Standing Committee on Banking and Commerce, having been authorized on the 10th October, 1968, to inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation and recommend any changes in such legislation and admnistration required to establish and develop the census and statistics as a vital and efficient aid to the good government of Canada and the advancement of private business in the public interest, and having considered the terms of the inquiry so authorized, is agreed that such inquiry should be undertaken by a special committee of the Senate to be constituted for that purpose, and so recommends.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration.

Hon. Mr. Leonard moved that the report be placed on the Orders of the Day for consideration on Tuesday next.

PRIVATE BILL

CANADIAN ORDER OF FORESTERS—THIRD READING

Hon. T. D'Arcy Leonard moved the third reading of Bill S-18, respecting Canadian Order of Foresters.

Motion agreed to and bill read third time and passed.

CUSTOMS TARIFF

BILL TO AMEND—THIRD READING

Hon. T. D'Arcy Leonard moved the third reading of Bill C-131, to amend the Customs Tariff.

Motion agreed to and bill read third time and passed.

BRITISH NORTH AMERICA ACT

INITIATION OF LEGISLATION IN THE SENATE —DEBATE CONTINUED

The Senate resumed from Thursday, November 28, the adjourned debate on the inquiry of the honourable Senator Hayden, calling the attention of the Senate to section 53 and section 91 (as amended in 1949) of the British North America Act, 1867, and the effect of such sections on the initiation of legislation in the Senate.

Hon. J. Harper Prowse: Honourable senators, I find myself in a position similar to that of Jacob, who wanted to marry a young lady but could not do so until her older sister had been married off. I have been ready to proceed on this matter for some time, and it is better for all honourable senators that I am able to go on today because the longer I wait the more arguments I think of. But let me assure you, as I thought of new arguments I abandoned some of the old. It is my hope that I can deal with this subject perhaps more effectively in a shorter period of time than would have been possible had I been able to go on earlier.

The inquiry puts the emphasis on the position of the Senate with reference to the British North America Act and the effect of the amendment of section 91, amended in 1949, and of section 53, which provides that money bills must originate in the Commons.

Without implying any criticism of anyone or, in particular, of Senator Hayden for the way in which he presented his own case, I do feel it is unfortunate that we got so involved and intrigued with the very brilliantly proposed legal arguments he presented to us, that we tended to lose sight of the real purpose of this inquiry.

It seems to me that the discussion falls into two parts. One is the legal argument which formed the basis for the conclusions Senator Hayden outlined later. I assume from having listened to the debate that took place following that, and from my own reaction to it, that the real purpose was missed, because by the time we got to that we were so busy turning over in our minds the rationale and the implications of his legal arguments that we missed the purpose of the base that he was laying.

In that regard, I hope that with the advantage that comes to anyone with hindsight—which is a surer and cheaper guide than, though perhaps not as admirable as, foresight—I can avoid the mistakes that may

appear to have been made. Let me then deal, not with the legal arguments, although I will come back to them in time, but specifically with what is the basis of the proposal implied in this inquiry, actually spelled out in the later parts of the first speech by Senator Hayden, made very clear by Senator Flynn and also referred to by Senators Fournier (De Lanaudière) and Thorvaldson. First we must realize that Senator Hayden was suggesting to all parts of the Parliament of Canada and, in particular, to the Government which has responsibility for legislation, a procedure or device which he then set out to prove was legally quite proper. Originally he asked another question, but he said that this was the basis upon which the speeding up of the work of Parliament could be established.

I do not think anyone in this place, or in the other place, or through any newspaper column in the country, is going to quarrel with the suggestion that in recent times Parliament has come in for much serious criticism. Whether that criticism was deserved is not the point. The point is that criticisms have been made and widely accepted, and they are, generally, that the procedures in Parliament are too cumbersome and slow to enable this institution, upon which we depend for the functioning of the democratic process, to deal with the many complex problems with which society is faced as speedily and effectively as is required in modern times. I do not think there is any argument with that statement. It is a statement that is accepted as a matter of fact in most quarters. Parliament finds it increasingly difficult—not because of any fundamental weakness in the institution, but because of the increasing complexity and number of things that it is asked to deal with—to meet and deal with the problems of the day in the time available to it.

While the traditional procedures permit the fullest possible expression of all points of view, and the use of every device by the Government to examine its position before it proceeds, and that Parliament should look twice at every action before it takes a step, —this is all valuable and I do not think anybody suggests it should be abolished—in view of the increasing workload, it results in Parliament being subject to increasing and sometimes irresponsible criticism which hurts not just a party, or a government, or the present members of Parliament, but the whole institution. While we may have a certain interest in protecting ourselves from criticism, I am sure all honourable senators would rush more quickly to the defence of the institution than they would to their own defence. Criticism of ourselves does not matter. It is the criticism of the institution that is important.

The fact of these increased demands on the time of Parliament and its members is particularly important when we consider the other place. Members of the other place are being deprived of the opportunity of returning to and spending time with their constituents, and of maintaining the type of contact that is desirable if they are to reflect in Parliament the wishes, desires, and thinking of the people they have been elected to represent. This has resulted, not only in increased criticism, but in a deep feeling of frustration on the part of the elected representative. It is difficult for him to get down to dealing with things, because of the necessity of being in his place to meet the challenges to the Government, to listen to the debate, to have time to read *Hansard* so as to examine those parts of the debate which it was not possible for him to hear in person, and to deal with the demands from his constituency. I say that it becomes not only increasingly difficult, but impossible for him to keep informed about what may be proper solutions to the problems that are most pressing so that he may be sure in his own mind that the decisions he makes are sound, proper and in the best interests of the country he hopes to serve.

We in the Senate know something about this frustration, because delays in the procedures have resulted not only in Parliament suddenly getting a big backlog which they have to rush through, but in it then tumbling through to us important legislation, and we are expected, in a scandalously short period of time on occasions, to concur in matters which might deserve long and serious consideration. Often the only reason we have agreed to give that consent has been because, with a proper respect for the people of the country whom it is our desire to serve, we did not feel we were justified in withholding from them the advantages expected to flow from the legislation while we crossed the t's and dotted the i's. At the same time, it has left us with a deep feeling of frustration, and at times a wondering whether we are in fact discharging as we should in this chamber the responsibilities we have sworn to discharge.

The proposal Senator Hayden's inquiry has implied, as expressly laid out in the later part of his speech, is simply that we say to

the Government: We ask you to request, require or permit us—and who cares what word you use—to relieve the other place of some of the responsibilities that now contribute to these delays which are hurting the whole system of Government, and not only the Government, but the whole parliamentary system; that you let us help you overcome the handicaps that have resulted from these time-consuming procedures; and if you would do this we would cut down the period required by the present legislative process. By giving us more time, this house and the other house could more fully consider legislation than it is possible for either house to do at the present time. By initiating a bill here while another bill is being debated there would allow us to assemble the information which will be necessary for the members to make their decisions, while they are doing the same with another bill. Theoretically, we could cut the time in half. This then means that we can give sounder consideration to legislation; we would have time for reflection and intelligent amendment, with the result that we will get better legislation more quickly than is possible at the present time.

Specifically, this practice has its precedents. I would refer honourable senators to the Senate *Hansard* of the 1966-67 session, where the honourable Senator Connolly (Ottawa West) introduces and discusses the Canada Land Surveys Act. If you read through two or three pages there you will find, I suggest, as good an explanation as to what is or what ought to be meant by money bills as you can find anywhere.

At this point I want to make clear what I am not trying to say and what I am sure Senator Hayden was not trying to say. He suggested that we have an equal right to legislative authority with the other place. Theoretically and by an academic reading of the British North America Act he is probably correct. From a practical point of view, I doubt very much if any member in this house would be prepared at any time to insist that we have, have ever had, or ought to have, powers over control of the public purse and expenditures, equal to those which traditionally have been handled by the elected representatives of the people. This is not something that is only in our Constitution or that we have inherited. It may be a matter of some interest to you if I tell you that the United States Constitution provides that the right to institute bills for expenditures or for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as with other bills. That is Article I, section 7, paragraph 1 of the Constitution of the United States.

In other words, no one is seriously suggesting that we want to infringe the rights of the members from the other place—rights which I am sure the people of Canada want them to retain. That is so if for no other reason than that they have to answer for what they do, while it has been said we are perhaps not held responsible in the same way. This is important, and I agree with Senator Flynn, because I cannot imagine any elected Parliament or the government, which is the executive which represents the elected Parliament, for one minute being prepared to allow us to assume or to arrogate to ourselves responsibilities which were never intended by the original Constitution to be enjoyed by us, nor was it ever intended when the amendment of 1949 was proposed that they should be enjoyed by us or that the two should be perverted into an excuse for us, extending a jurisdiction to which we properly have no claim, and I think no desire to exercise.

As far as the legal argument is concerned, it is immaterial whether we proceed as Senator Fournier (De Lanaudière) said, in the old way, by taking an act and having the parts of the money bills clearly marked and we pretend we do not see them, though they are there, and we deal with the whole bill, or whether we deal with it in the way it is detailed by Senator Connolly in the particular section of the 1966-67 *Hansard*, which I pointed out or was outlined the other day by Senator Hayden.

I agree with Senator Thorvaldson and Senator Flynn, but disagree with Senator Hayden when he suggests that it is possible by such an indirect method to, in effect, amend the Constitution.

Many authorities are available in our law libraries on the interpretation of legislation. While it is said that the British North America Act is just another act, in fact it is not. It is a constitutional act and is subject to a little different basis of interpretation. I would be most reluctant to suggest that we could, in this area, justify an action by saying that we have done it indirectly. It is a long-established principle of our ordinary civil law that you cannot do indirectly what you are prohibited from doing directly. I can think of nothing more definite in the way of a prohibition than the wording of section 53 which clearly says where money bills shall begin. It

may be that really what Senator Hayden had in mind was the principle in dealing with legislation which acknowledges the supremacy of Parliament. That merely means that if legislation is passed by both Houses of Parliament and is assented to by the Queen, and someone then challenges it in the courts, they can look only at the area of jurisdiction covered by the legislation. They cannot look at the way in which we have exercised our responsibilities. The courts will not do that.

If anyone wishes to have the legal authority, I would cite the case of *Edinburgh and Dalkeith Ry. Co. v. Wauchope* House of Lords (1842) 8Cl. & F., 710, a decision by Lord Campbell of the House of Lords. In this case the railway had been given certain rights by a private act of Parliament in Great Britain, and at a later date Parliament changed the act. In changing the act they substantially changed the position of Wauchope. Under the new act he did not have nearly as large a claim against the railway company as he had before. He objected that the act was illegal because he had not been given any notice of the intention of the government to enact a new act which would restrict his rights. The Scottish court upheld him, and the case finally came to the House of Lords. I read their judgment:

> I cannot but express my surprise that such a notion should ever have prevailed. There is no foundation whatever for it. All that a Court of Justice can do is to look to the Parliament roll: if from that it should appear that a bill has passed both Houses and received the Royal Assent, no Court of Justice can enquire into the mode in which it was introduced into Parliament, nor into what was done previous to its introduction, or what passed in Parliament during its progress in its various stages through both Houses. I trust, therefore, that no such enquiry will again be entered upon in any Court in Scotland, but that due effect will be given to every Act of Parliament...

Now, let us face the law. If you say you do not care how you get to the results, if you say you can hide behind the interpretation, if you say you cannot look at it once it is done, if you say that when Parliament accepted an act from us they have waived their responsibility for dealing with it first, that when the Queen assented to it she implicitly had given us instructions to deal with it in the first instance, or if you say you amended the constitution—these are like asking how many souls you can dance on the point of a needle. One could keep lawyers busy forever on that, and not settle a thing. This surely is what we are interested in, in settling public business.

Honourable senators, there is one danger, let me warn you. We come to the question of whether when we exercise a delegated right, that perhaps our principal has not delegated but has abdicated his duty. This is implicit in the decisions of the Supreme Court of Canada and, I think, of the Privy Council. The principle is good enough, anyway. In what is called the Direct Legislation Act of the Province of Alberta early in the 1920's the government there then tried to import into the law of Alberta a principle which had received some public widespread support in the United States, namely, the feeling that over and above the legislature there should be a direct appeal to the public. Then they enacted the Direct Legislation Act. The title was somewhat more complicated, but that will do.

Under that act, if a specified number of citizens in the province signed a petition asking that a certain measure be enacted, that bill then had to be drawn up by the Government and presented to the public in the form of a referendum, and if it passed it became law without any interference by Parliament.

This was declared *ultra vires* of the province—although they were dealing with civil rights and within the area of their jurisdiction—not on the grounds that they had exceeded their jurisdiction, but that the Constitution imposed on the legislature of the province the responsibility of dealing with these things, and while they could delegate their responsibility they could not abdicate their responsibility.

There is a danger that we could run into a situation where we are not dealing with a delegation but where laws might be challenged on the ground that there was abdication. I say "might" because this is an area of law in which there have been very few decisions. It arises very infrequently but it is something for us to keep in mind, and the last thing we want to do is to import uncertainty into the law.

Honourable senators, the conclusion I want to make is this. First, let us make sure that nobody misunderstands us. We are not suffering from an overblown sense of our own importance, nor do we think that this house could possibly have escaped an overflow from the criticisms of parliamentary institutions

generally which have resulted from the failure, not only in Canada but in other countries of the Western World, of democratically elected representatives to deal effectively and in time with some of the important problems of the day.

We do not wish to extend our powers, because we know that one can only extend powers by shortening or curtailing the powers of somebody else. What we are doing is merely saying to the Government and to the House of Commons: If you want to have the business of the country dispatched more effectively, we are sitting here cooling our heels waiting for you to complete your process, awaiting an opportunity to do something. We suggest to you that you can make greater use of the procedure which you have started to use because we can introduce legislation here, deal with complaints, receive proposals and suggestions, examine witnesses, and compile facts—all of which are necessary to a sound decision. Let us do that, so that by the time the Commons has to deal with legislation it will have available to it the information and the knowledge necessary to take a sound decision. In addition, each house will have the opportunity of reading the other house's *Hansard*. I am sure this will enable Parliament to discharge the workload in a portion of the time that is presently required, and thus to reach sounder judgments in a shorter period of time.

The cabinet always retains its control over what legislation is to go through the final procedure to become law, or to be initiated anywhere, for that matter. The other place will always retain its final control as to whether it wants to make available the money required for a certain bill.

All we are saying is that nobody could lose but there could be one important winner, namely, the people of Canada, who expect so much of their Parliament, and all of us hope to be able to serve them to the best of our ability.

Some Hon. Senators: Hear, hear.

Hon. M. Grattan O'Leary: Honourable senators, the late Leonard Brockington once said that he never spent more than three weeks on any of his extemporaneous speeches. I must say that I have not spent three weeks, or three days, or any time on the few extemporaneous words I am about to utter now. I am going to utter them because I am disturbed and have considerable misgivings about this theme which runs through this house, through the other place and in the press, about speeding up the work of Parliament.

Everybody now is for speed. There is a sort of speed mania, and overnight on television we hear those nylon-spun, so-called constitutional authorities mouthing and repeating these crowd-begotten clichés about "bringing Parliament into the twentieth century".

Honourable senators, you might as well say that we should bring freedom into the twentieth century, because freedom is all that Parliament is about. Parliament is not a legislative mill: Parliament is not a production line turning out statutes as General Motors turn out motor cars. Parliament, basically, is a place of accountability, a place to check the Queen's estimates and to hold the executive to account as to how it is carrying on the business of the country.

I have met people in the last three or four weeks who said, "Why doesn't Parliament get on with the country's business?" And when you ask them what business they are talking about, they remind you that there are 20, 30, 40, or 50 bills awaiting introduction in the other place. But, honourable senators, if you look at those bills you will find that most of them are of a minor character, and in the case of 50 per cent of them it probably would not matter a tinker's curse whether they were ever introduced at all.

I repeat this: Speed, haste, seem to be the governing motivation in the public mind today. All speed and no control; all facts and little knowledge; all information and no wisdom; all know-how and no know-why; all signposts and no destination.

My honourable friend who has just taken his seat spoke about getting on with the business of the nation by having government bills introduced in this chamber. And Senator Hayden the other day, with his considerable mental muscle and his lucidity, argued the same case. Honourable senators, if you are going to have the Government introduce legislation in this chamber, then this chamber will lose entirely its historic character of being a place of second thought, a place to review government legislation. Yet, notwithstanding that, we have senators of great wisdom and integrity saying, "Let the Government introduce its bills over here."

Honourable senators, this was not the historic intention of the Senate at all. The Senate is to review, to examine legislation introduced in the other place. I agree entirely with Senator Flynn's saying the other day,

that if you are going to make the Senate a pale carbon copy of the House of Commons, if you are going to put it into competition with the Commons in the way of having legislation introduced here, you will destroy the whole character of this house.

I have often thought since coming here that there has been something of a lack of integrity, something of hypocrisy in what we say about the Senate being a chamber of second thought. Honourable senators, how can the Senate be a place for second thought, a place for the review of government legislation, when the Government Leader who sits in the seat opposite me is a member of the cabinet? How can he give second thought to legislation to which he was a party in the cabinet? This is the kind of nonsense we have to listen to. We also hear about the public frustration; the public, we are told, is critical of Parliament. Of course it is—and it is a good thing that it is critical of Parliament. But the public has always been critical of Parliament. I think it was Charles Dickens who once said that Parliament was the only insane asylum run by the inmates themselves. This is the kind of criticism that has been levelled in Britain against the Mother of Parliaments itself for centuries.

Honourable senators, we should not think we are above criticism. We should not worry about criticism of the slowness of Parliament. I am not afraid of the slowness of Parliament. I am afraid that all we are getting is too many laws on our statute books. The job of this house is not to compete with the House of Commons in putting more laws on our statute books; its job is to see that bad laws do not get on the statute books.

When my honourable friend spoke a moment ago and said that the Senate has been sitting here over the years with nothing to do, he confessed that he has not read the history of the Senate. This Senate over a period of years has saved this country millions and millions of dollars by applying common sense and experience to government legislation.

Furthermore, honourable senators, I believe—and I intend to say this if I am here when Senator Molson's proposals come before the house—it is nonsense to say that a man or a woman who previously took part in the political life of the country cannot be appointed to this Senate. Surely these are the people who should be appointed to this chamber. Have they always been partisan in this house? If you are to argue that only nonpartisans should be appointed to this chamber, then you also have to argue that only nonpartisans should be appointed to the Supreme Court of Canada. I have had the great privilege of knowing most of the men who have served on the Supreme Court of Canada in the last 25 years. They were former partisans. I remember Sir Lyman Duff telling me how as a young man he had campaigned for Edward Blake. He was a philosophic Liberal, there was no doubt about that, but does anyone suppose that he allowed his Liberal philosophy to influence his judgments in the Supreme Court of Canada? So should it be with this house.

I remember Arthur Meighen telling me that when he was Conservative Leader in this house he met up one day with Senator Dandurand, the great and distinguished man who was Government Leader, and Meighen said to Dandurand, "I hope I will be a foeman worthy of your steel." Dandurand replied, "You are wrong on two counts; you are not my foeman, and I am not worthy of your steel." This is what Dandurand believed and this is what Meighen believed. And over the years that Arthur Meighen was the leader of his party in this house he never once attended a Conservative party caucus. Why? Because he said he believed he should get the legislation cold when it came to him. And never once in all the years he was leader of the party in this house did R. B. Bennett, Conservative Leader in the other place, ask Meighen to consult with him about legislation coming to this house, because he understood and Arthur Meighen understood, as Raoul Dandurand understood what the Senate really is about.

I have heard honourable senators in this house, and I have regretted hearing it, say how grateful they were to the Prime Minister who appointed them. Well, honourable senators, I have never felt any gratitude to the Prime Minister who appointed me. I did not say, "You can have my conscience if you will send me to the Senate." I believe, and I have acted accordingly, that my job here is to apply my Conservative philosophy to the consideration of the legislation coming to us in this house, but accepting the Conservative philosophy is to me a very different thing from accepting the Conservative party line. We are not here to accept the party line. We can have our political beliefs, our political creeds, our political philosophies, but our sole responsibility is not to any party that

appointed us, nor is it to any Prime Minister who appointed us; our sole responsibility here is to the people of Canada.

I am against all this talk of speeding up the work of Parliament. As I said before, Parliament is not a place to speed up or to turn out legislation as if it were a legislative mill. In this Senate our sole task is to take legislation as it comes to us and to apply the best conscience, the best brains that we have, in deciding what we should do about it.

I was delighted at some of the things mentioned in the report of the Rules Committee under Senator Molson. I am not going to deal with that report now because it is not before the house, but I feel there is something more we should do. If this Senate is to be what the Fathers of Confederation intended it to be, then it should elect its own leader. If it is the chamber that the Constitution set up, this Senate should elect its own Speaker. When it does not do that, when the Government of the day appoints the Leader of this house and appoints the Speaker of this house, it is denying, it is violating, the principles upon which this house is supposed to rest.

Hon. Mr. Connolly (Ottawa West): I would suggest to the honourable senator that as far as Mr. Speaker is concerned, this is required by the British North America Act.

Hon. Mr. O'Leary (Carleton): Then why is it not done? You know perfectly well that the Speaker is nominated by the Government of the day, and elected accordingly.

I know what the Constitution and what the Fathers of Confederation said about this house. It was to be an independent body to protect minorities. I doubt if it has done that. But what this Senate should do above all else—and I say this to Senator Prowse—is to protect this nation from the growing power of the Prime Minister and of the executive; and, more than that, to protect this nation from the ever-growing and awesome power of bureaucracy. That is what we should be attending to, the danger of power passing entirely from Parliament.

You now have the President-elect of the United States wire-sounding the nation for advice, and that, as bad as it is, is not so bad in a country where they have not a parliament. But where you have the Prime Minister of Canada telling the House of Commons and this chamber that in the future he is going to seek his advice and knowledge of what public opinion is across Canada by special people whom he will select throughout the country, this, I say, is again a denial of the rights of Parliament and a denial of the rights of this house.

There can be little doubt about this. The real, growing power of Government in this country no longer reposes with Parliament, either in the other place or here. That power reposes in the office of the Prime Minister, in the office of the Privy Council and with the bureaucrats who surround the Prime Minister.

Now, to cap it all, they suggest we have to have an ombudsman to look after the complaints of the citizenry. Honourable senators, that is the work of Members of Parliament; that is their responsibility. If that too is to be taken away from them and given to an official, an ombudsman, we only add to the bureaucracy; we have another subtraction from what is left of the powers of Paliament.

We have a sprawling empire of Crown companies running a great percentage of the business of this nation, with their estimates and their expenditures hardly being checked in Parliament at all, because Parliament actually has not the information or the knowledge with which to check them. Crown companies, ombudsmen, special advisors to the Prime Minister, here, there, and everywhere, the growing and awesome power of the Prime Minister himself—this is something that has challenged the fears and misgivings of people all over the parliamentary world. All of these things have taken place, and yet we are now saying to ourselves that this Senate should be made into a pale carbon copy of the House of Commons; that it too should be introducing Government legislation—not our legislation, but Government legislation should be introduced in this Senate, where we are supposed to take a second look at Government bills.

This, honourable senators, is all contrary to and barks at the whole spirit of Parliament. What this house should be concerned with is protection of the powers, the prestige, the authority of Parliament itself. If they cannot do it any other place, then let us try to do it here.

I would never consent to a member of the Cabinet coming into this chamber and introducing legislation. I would never let him go beyond the committee room, where we could call him before us, as we call any other citizen, and ask the need for or the meaning of his legislation. But to have a member of the Cabinet come to this chamber and introduce Government bills, this would be absolutely contrary to the whole spirit of this chamber.

Honourable senators, I could say more, but I will not. However, I would have been sorry to have said less. Thank you for your indulgence.

On motion of Hon. Mr. Roebuck, debate adjourned.

OMBUDSMAN COMMITTEE

MOTION FOR APPOINTMENT OF COMMITTEE—DEBATE CONTINUED

The Senate resumed from Tuesday, October 15, the adjourned debate on the motion of the honourable Senator Croll that the Senate considers it desirable to establish at an early date a committee of the Senate to be known as the Ombudsman Committee.

Hon. Chesley W. Carter: Honourable senators, at the outset I should like to declare my support for Senator Croll's motion that the Senate set up an Ombudsman Committee. While the scope of this committee would be limited to matters within federal jurisdiction, my experiences as a former Member of Parliament have convinced me that such a committee is absolutely essential. Without it, or something like it, there can be no Just Society.

I base that statement on cases of which I have personal knowledge and which I shall describe later on, but first I should like to quote an extract from the newsletter of the Union of National Defence Employees. This publication is called *"Circlet"*, and the edition I refer to is No. 57, dated June 10, 1968. Paragraph 9 of this newsletter is headed "If it's unsafe, don't do it", and the article continues as follows:

> The Public Service Commission has just dismissed an appeal from an employee in another department who had been declared incapable of performing the duties of his position. The evidence showed that the discharged employee had reported for duty in 1964 and had suffered an injury on the job. As a result of this, he had been absent from duty for various lengthy periods of time.
>
> According to the evidence, even when on duty, the employee was unable, due to his injury, to perform the full duties of his position and currently had not been able to report for nearly eight months. The Department was not able to prove that he would be unable to perform his duties when he returned. However, it contended that his absenteeism to date had shown conclusively that it had sufficient grounds for discharge action.
>
> The Public Service Commission Appeals Board considered that there was sufficient evidence to indicate that the employee was incapable of performing the duties of his position, and that since there was no production of medical evidence to indicate that he could return to duty within a reasonable period of time, and would again be in a position to perform all his regular duties, the department was justified in seeking to have him released for incapacity. The evidence also showed that there were no positions of even a lower grade in the department to which this employee could be reassigned. (How about other Departments?)
>
> The moral of the story is if it is unsafe, don't do it because if you get hurt, your benevolent employer will discharge you unless you happen to be in one of those fortunate places where they have some extra light work.

This, I think, illustrates one kind of case that a Senate Ombudsman Committee might well inquire into.

This man was injured while employed by a federal department. His injuries prevented him from discharging all his former duties, and he was fired on the grounds that this particular department had no lighter job for him. Apparently no effort was made to find suitable work for him with some other department and, worse still, no acknowledgment is made of any obligation on the part of the federal Government to do anything for this man. Though his injury was incurred in the service of a Government department, since his usefulness to that department was reduced they fired him.

When private enterprise exhibits that kind of "man's inhumanity to man," there is a great outcry about it, and we are justly incensed. Governments are inclined to point the finger. Should we not be equally incensed when Government itself is the perpetrator?

A committee such as that envisaged in Senator Croll's motion would enable any such victim of injustice to have his case investigated and, hopefully, remedied.

Honourable senators, not long ago in the debate on the motion for an Address in reply of the Speech from the Throne several members of this house, including myself, referred to the importance and worth of the individual person as a created being. Has not the federal

Government, or every government for that matter, an obligation not only to set an example as a model employer, but also to demonstrate the practical application of the moral and spiritual values on which our society is founded? I believe the kind of committee described in Senator Croll's motion can contribute to this end.

Honourable senators will note also that this man's case was dealt with by an appeal board of the Civil Service Commission, and that the appeal board upheld the department's attitude towards this man. My faith in civil service appeal boards was shattered long ago, shortly after I became a Member of Parliament.

One of my constituents, who was already a senior representative of his department in a part of my riding, entered a promotional contest for a position that had become vacant in his own department. He was eminently qualified for the promotion. He had a university degree, a variety of experience, and a fairly long period of satisfactory service with the department with which he was employed. He had a very pleasing personality and, moreover, he was a war veteran with four or five years of overseas service and was entitled to veteran's preference. Only one thing was wrong. The head of the provincial office did not like him—possibly because he realized that my constituent's academic qualifications, personality, and ability to get along with people were far superior to his own.

Eventually my constituent learned that the position had been filled by someone whose qualifications, experience, and service were far less than his own, and, in fact, less than that advertised in the competition. He then appealed the decision. The Civil Service Appeal Board sided with the department, and that is where I came into the picture.

My constituent provided me with all pertinent information, and I took the matter up with the appeal board in an endeavour to find out how they operated in cases like this, and on what basis they had rejected his appeal and, at the same time, confirmed the appointment of a less qualified person. I found that the appeal board had made no attempt at all to get at the true facts. They simply accepted as gospel, without any question whatsoever, every undocumented and unsubstantiated statement made by the head of the provincial office, while any statements the man made on his own behalf by way of rebuttal were treated as lies, and even his documentary evidence was ignored.

It was easy to see that the appeal board was nothing but a rubber stamp for the department and, therefore, a farce. The appeal board's decision concerning the case described in "Circlet" indicates that nothing much has changed in 17 years.

Another case I know of is that of a young man who was employed as second engineer on a small boat operated in my province by a federal department. One day, while the ship was at St. John's, one of the big shots from the provincial office came on board and ordered this engineer to pack up immediately and take another job temporarily on land in a community some 200 miles away.

The engineer did not refuse to go, but he hesitated somewhat because it was his understanding, and rightly so, that he should take orders only from the captain of his ship. He did not know quite what to say, but because he did not jump to his feet at once, click his heels, and say "Aye, Aye, Sir", he was fired on the spot.

Hon. Mr. Choquette: May I ask my honourable friend a question? He is multiplying cases and giving us a one-sided version only, which apparently he always believes and which the other side does not. Is the Ombudsman Committee going to act in the same manner as my honourable friend, and side with the poor persecuted man? Will that be the purpose of the Ombudsman Committee?

Hon. Mr. Carter: I would think the purpose of the Ombudsman Committee would be to investigate these cases and get at the truth.

Hon. Mr. Flynn: And is it going to be always right?

Hon. Mr. Carter: I do not know. I am not saying that. It is not for me to prophesy as to the actions of the Ombudsman Committee, but I am citing cases of absolute injustice of which I have personal knowledge. That is why I am citing them. If I did not have personal knowledge of them I would not refer to them.

In any event, this young man was fired and given no opportunity to discuss the matter. I am sorry to say that the captain of the ship did not have guts enough to fight for his man because he did not want to get in bad with the bureaucratic "powers that be."

I took up this engineer's case with the minister, who ordered that he be reinstated. This was done after he had lost more than two months' employment, and even then the federal bureaucrats in the provincial office

saw to it that he was put on another ship instead of being reinstated in his former job.

In spite of tremendous handicaps, that same man worked and studied and secured a first-class engineer's certificate for marine diesel operation, and later he studied navigation and acquired a master's coastwise ticket. That in itself shows the kind of man he is, but the federal bureaucrats in the provincial office never forgave him for fighting to get back his job. They were determined to get him sooner or later.

There came a time many years later when the ship, of which he was master, suffered $200 damage, and he was charged with negligence. He offered to pay the $200 out of his own pocket, but he was not given the chance. He was fired after 24 years of good and faithful service, which meant that he lost not only his job but his pension as well.

One of the unbelievable aspects of this case is that under the guise of investigating claims against the Crown, this man was tried by a kangaroo court composed of officials from the provincial office. There are two federal laws which cover cases of this kind. One is the Inquiries Act (Part II), the other is the authority for conducting investigations into the conduct of a federal employee, which at that time was vested in the Civil Service Act. Without the legal authority of either of these acts, this kangaroo court subjected this man to an inquiry and went so far as to take statutory declarations under oath. By so doing they committed an indictable offence—an offence far more serious than that of the man they were trying—but they themselves went scot-free.

I know of another case where the person concerned had been employed with a federal department for over 20 years. Throughout that whole period his services had been completely satisfactory. His ratings had been consistently good and he had been promoted up to the position of storekeeper. Unfortunately, although employed continuously for 20 years he was still classed as a casual employee and had no permanent status. In time the department closed down the station where he was employed and he was out of a job. Although he had given 20 years of good and faithful service, this department could not or would not give him another job, and after a while he found employment with another federal department, where he had to start again from scratch in a job as janitor, which was quite a downgrading from his former position in both status and salary. Moreover, after proving himself for 20 years he was again on probation. He found it very difficult to orient himself to his new environment and adjust himself to his new status and duties.

To make matters more difficult still, he was beset with all sorts of trouble which came all at once. There was a bereavement in his family, another member of his family was injured in a car accident and had to be hospitalized, and there were a number of other domestic problems. The foreman under whom he worked in his new job seems to have had no sympathy or understanding at all. The evidence suggests that the foreman was determined to get rid of him one way or another. When the time came to rate the employees under him, the foreman gave this man a "C" rating and asked him to sign it. With his former department he had received mostly "A" ratings, so never before having been given a "C" rating he questioned it and refused to sign, whereupon the foreman immediately changed his rating down to "D" and he was fired forthwith. Apparently had he accepted the "C" rating he would have been kept on until the probation period had expired.

I tried to get this man reinstated but without success. I find that there is a tendency for top civil servants to resent any intervention by parliamentarians in cases like the ones I have described. In fact, I have been told that in many departments employees are discouraged from bringing their cases to the attention of parliamentarians. In some departments it is actually forbidden. This is a fundamental human right and should be enshrined in the Civil Service Act and in a Canadian Bill of Human Rights if we ever get one.

Many federal employees suffer injustices in silence. Threats of reprisals, spoken or implied, make them afraid to have Parliament look into their grievances for fear it might be held against them and might hinder their chances of promotion or cause them some other disadvantage. To have this sort of sword of Damocles hanging over the "little people" of the public service is incompatible with a free and just society, and a Senate Ombudsman Committee would go a long way towards removing it.

These are all examples of what I call tyranny, and, as I have shown, in a large organization like the public service, composed of some 200,000 people, petty tyrants can be found at practically all levels. No wonder there is such

an outcry against what is known as "The Establishment". When injustices such as I have described occur, the tendency is for the higher echelons, from the deputy minister down, to back up the person under him all the way down the line, and I have found that few ministers are prepared to do anything that would make their top civil servants appear to lose face.

So far I have mentioned cases of tyranny arising mainly out the personalities of those in authority, but there are other cases of tyranny which emanate from powers that are enshrined in our laws, powers to make and to enforce regulations. In theory Parliament grants these powers to a minister of the Crown. In practice, however, they are often exercised by minor civil servants. I should like to give one or two examples.

Hon. Mr. O'Leary (Carleton): Before my honourable friend proceeds further, might I ask him a question? I presume that all these tyrannies he has been citing to us occurred in Newfoundland. Did my honourable friend ever think of drawing them to the attention of Premier Smallwood, and if not, why not?

Hon. Mr. Carter: Because they were federal matters and had nothing to do with the provincial government or with Premier Smallwood. This proposed Ombudsman Committee relates to matters under federal jurisdiction.

Hon. Mr. O'Leary (Carleton): As I understood it, Mr. Smallwood had a lot of authority with the federal Government and he might have brought to its attention the fact that these things were happening in the province, under the auspices of the federal Government—his friends in Ottawa.

Hon. Mr. Carter: It was my job to do that. I regarded it as part of my job as a representative of Newfoundland in the federal Parliament to bring these matters to the attention of the federal authority, which is what I did. I do not go to Premier Smallwood to fight my battles.

Hon. Mr. Choquette: Hear, hear.

Hon. Mr. Flynn: There is no tyranny under Mr. Smallwood. No cases like that occur under him.

Hon. Mr. Croll: Oh no, of course not.

Hon. Mr. Langlois: Impossible.

Hon. Mr. Carter: I was saying that in theory Parliament grants these powers to a minister of the Crown, but in practice they are often exercised by minor civil servants.

I should like to give one or two examples. Fisheries conservation is a federal responsibility. Fisheries regulations are made and enforced by federal officials at the provincial level. Some of these regulations are plain stupid. I remember one with respect to salmon nets. Picture in your minds a straight piece of shoreline with its little coves and indentations. This regulation selected a point on that shoreline and decreed that east of that point fishermen could use nets with 4½-inch mesh, but west of that point they had to use nets with 5-inch mesh. In other words, two 4½-inch mesh nets could be set 100 feet apart and one would be legal and the other illegal.

Fishermen's earnings are small and they could not afford to scrap their 4½-inch nets to replace them with 5-inch nets. The capital worth of these nets represented their lifetime savings and in some cases that of their father's savings as well.

In any case there would be no sense in scrapping their nets even if they could afford to replace them with the larger mesh, because experience handed down from generation to generation had taught them that a 5-inch net would not catch any fish. So, having no other choice, they continued using the same nets as they had always used down through the years, and one day along came the federal patrol boat and the nets were confiscated. Having no other means of earning a livelihood, these fishermen were forced to apply for welfare.

I wrote numerous letters and memos about this but I could not get the regulations changed nor the nets returned. You may say, "Well, it was necessary for conservation purposes." That is not the case because in that very same area where the salmon fishermen's nets were confiscated, other fishermen well enough off to own and use cod traps caught far more salmon than all the net fishermen put together and the cod trap mesh was smaller still, but it was all perfectly legal.

Hon. Mr. Flynn: The ombudsman could not have changed the regulations.

Hon. Mr. Carter: I think at least he could point out the stupidity of it.

Hon. Mr. Flynn: But we are talking about an ombudsman; we are not talking about the stupidity of the regulations.

Hon. Mr. Carter: The ombudsman would at least have pointed out the injustices and the hardships that flow from the regulations.

Hon. Mr. Everett: I have a question. Is the honourable senator talking about an ombudsman or is he talking about a committee of the Senate that would act to receive complaints from Canadian citizens?

Hon. Mr. Carter: An ombudsman committee.

Hon. Mr. Flynn: The motion is not to this effect at all. It is for a committee to study the possibility of setting up legislation.

Hon. Mr. Roebuck: No, no. The resolution itself put on the books by Senator Croll asks for a committee of this house to act as an ombudsman.

The Hon. the Speaker: With the permission of honourable senators I will read the first sentence of the motion:

> That the Senate considers it desirable to establish at an early date a committee of the Senate to be known as the "Ombudsman Committee", to inquire into and report to the Senate on any matter or thing within the jurisdiction of Parliament...

Hon. Mr. Flynn: I suggest, Mr. Speaker, that you complete the quotation.

The Hon. the Speaker: The remainder of the motion reads:

> ...relevant to the protection of human rights and fundamental freedoms, and the prevention of unjust or arbitrary conduct, and in particular to investigate and report upon any grievance complained of as a result of administrative action for which no other remedy is available.

Hon. Mr. Croll: That is what he has been talking about all afternoon, and very well too. Go on!

Hon. Mr. Everett: Just to clarify the matter, what you are talking about is a committee that would receive complaints from the public who feel they have a legitimate grievance against the federal bureaucracy, and that committee would act on behalf of the Senate as a whole. Is that correct?

Hon. Mr. Carter: Right. My understanding is that if this motion carries, the Senate will appoint a committee for this purpose, either a standing committee or a special committee. In any event, it will be a committee of the Senate and it will investigate whatever complaints are referred to it.

I presume they would have to set up a screening device because they could not possibly investigate every complaint. They would investigate those grievances where they had sufficient evidence to warrant further investigation. That is my understanding of it.

The Hon. the Speaker: Honourable senators, may I suggest that the sponsor, the honourable Senator Croll, will have the right of reply and this might be a matter for him to clarify at that time.

Hon. Mr. Carter: Honourable senators, what I am doing is giving examples of cases which, if such a committee had been in existence at the time these incidents came to my attention, I would certainly have referred them to it.

I should like to quote one further case about a fisherman who set his nets in the mouth of a river. Federal civil servants at the provincial level put up markers on the shoreline and in order to protect the young salmon, the regulations forbid the setting of nets inside the markers on either side of a river mouth. These officials, however, could move these markers further in the river or further out towards the sea as they saw fit.

This particular fisherman set his nets in the usual place he had always used as the markers indicated. Then one day the markers were moved further out and then his position became illegal. Before he could change to a new position, the patrol boat came along and confiscated his nets. About three weeks later he was hailed before a magistrate and acquitted. The magistrate threw the case out of court and ordered his nets to be returned. Unfortunately when he got his nets back they were worthless. They had been left three weeks without proper care and had mildewed but he could not get any compensation for his loss.

Hon. Mr. Choquette: Can you imagine all the crackpots who would write to this committee?

Hon. Mr. Carter: I have faith enough in the talent and the brains of the Senate to feel that the senators on this committee would be wise enough to screen out the crackpots.

Hon. Mr. Haig: And set up a subcommittee on fishermen's nets.

Hon. Mr. Carter: Honourable senators may recall that some time ago we had before us Bill S-4, an act respecting the marketing of

precious metals. Clause 11, subclause 3 of that Bill states as follows:

> The provisions of section 64A of the Fisheries Act apply, *mutatis mutandis*, in respect of any article or printed or written matter forfeited under subsection (1) or (2) as though that article or matter were an article forfeited under subsection (5) of section 64 of that act.

When I read that part of Bill S-4 transferring the powers of section 64A of the Fisheries Act, something about it seemed to ring a bell. The first chance I got, I looked up my old files and, sure enough, section 64A is the very same clause under which the fishermen's nets were confiscated. I have quoted these examples to illustrate how the powers of section 64A are used, and one might say abused, by minor officials. Personally, I doubt that in this day and age such wide powers are necessary. I have never seen any evidence to justify them.

On March 4, 1964, I introduced in the other place Bill C-73, an act to amend the Fisheries Act (forfeiture floor). My bill attempted to put a floor under the powers in section 64A to confiscate fisherman's property so as to insure the fisherman would always retain some equipment to continue earning his livelihood. Bill C-73 provided an individual exemption of $1,500 value which is the minimal income survival level as calculated by Parliament in the Income Tax Act. However, my bill suffered the usual fate of private member's bills—it was talked out.

Another law containing unusual powers which are exercised by relatively minor officials is the Unemployment Insurance Act. Section 65 of that act provides that where the insurance officer is of the opinion that a claimant has made a false or misleading statement, he may impose a fine. In this respect I point out two things. This section covers misleading statements as well as false statements and the insurance officer can act on his own personal opinion. He does not have to be sure. Moreover, the insurance officer at the provincial level has considerable discretion in determining the amount of fine to be imposed.

I know of several cases of this kind that have arisen when there has been a dispute about a fisherman's earnings while in receipt of benefits. The dispute about earnings usually arises over the cost incurred in catching the fish. Fishermen cannot keep day-to-day production costs and net earnings are hard to determine. Consequently, the line between legal and illegal receipt of benefits is some times thinly drawn. In such cases, the insurance officer acts as prosecutor, judge, jury and lord high executioner, and he can do all this on the basis of his opinion.

The imposition of fines by minor officials of Crown agencies is repugnant to my concepts of justice. My opinion is that fines should be imposed only by a court of law. Only a few days ago, when the Supreme Court bill was before us, Senator Roebuck pointed out the importance of uniformity of justice all across the nation. How can uniformity of justice exist under such procedures?

Honourable senators, all the examples I have described today come within federal jurisdiction and, with the exception of the case quoted from the newsletter "Circlet", they are all cases of which I have personal knowledge. No doubt other senators can cite similar examples, but how many other cases must there be which we never hear about at all?

If the committee suggested by Senator Croll's motion had been in existence, I would certainly have referred to it the cases I have related today.

I believe the examples I have described amply illustrate the need for the setting up of an Ombudsman Committee. Parliament, and the Senate in particular, will be fulfilling one of its traditional functions of protecting those who cannot protect themselves. Even if it never investigates a single case, the very fact of its existence will have a salutary effect.

I am therefore very happy to give my full support to Senator Croll's motion.

Hon. Mr. Choquette: I would like to ask a question. Assuming that these complaints were laid before such an Ombudsman Committee as that suggested, what power would the committee have to remedy any injustices, if it came to the conclusion that injustices had been committed?

Hon. Mr. Flynn: Or to rectify the situation?

Hon. Mr. Carter: Judging from the motion, the committee would not have power at all, but it would have the tremendous power of focusing public opinion on the problem. I think that public opinion, once focused on a certain problem, would be sufficient to force the Government in power to bring about some remedies.

Hon. Mr. Choquette: A sort of gossip committee?

Hon. Mr. Flynn: Parliament has been doing that without an Ombudsman Committee. Senator Carter has been doing it this evening and has done it in the other chamber.

Hon. Mr. Carter: I am only one person, but with the authority of the Senate the committee could do much more. I do not get any publicity for the speeches I make in the Senate, because nobody listens to them, but I think the people would have to listen to the proceedings of a Senate committee.

Hon. Mr. Flynn: That is not proven.

On motion of Hon. Mr. Everett, debate adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, December 12, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Leopold Langlois tabled:

Report of the Minister of Finance on the state of the Unemployment Insurance Fund as at March 31, 1968, and of the transactions under section 86 of the Unemployment Insurance Act for the fiscal year ended March 31, 1968, pursuant to section 87 of the said Act, chapter 50, Statutes of Canada, 1955. (English and French texts).

Statutory Orders and Regulations published in the *Canada Gazette*, Part II, of Wednesday, December 11, 1968, pursuant to section 7 of the Regulations Act, chapter 235, R.S.C., 1952. (English and French texts).

ADJOURNMENT

Hon. Leopold Langlois: Honourable senators, I move, with leave of the Senate, that when the Senate adjourns today it do stand adjourned until Tuesday, December 17, 1968, at 8 o'clock in the evening.

BUSINESS OF THE SENATE

Honourable senators, before this question is resolved, I assume that you would like me to make a statement as to the agenda for next week. In this respect, I wish to report as follows.

When the Senate resumes on Tuesday next we hope to have third reading of the supply bill which is on the Order Paper for second reading today.

We will continue the debate on the inquiry by Senator Hayden, calling the attention of the Senate to certain sections of the B.N.A. Act, and on the motion by Senator Croll regarding the establishment of an Ombudsman Committee.

The Fourth Report of the Special Committee on the Rules of the Senate will be considered, and I know there are a number of senators who wish to take part in the debate.

Bill S-21, to amend the Criminal Code, is on the Order Paper for second reading, and Senator Roebuck is ready to proceed with that early next week. This is the Hate Propaganda Bill which was before the Senate last session. At that session a special committee of the Senate was appointed to deal with the bill, and I understand the intention is to proceed in the same manner this session and again appoint a special committee.

The Honourable Senator Thorvaldson will resume the debate on the inquiry of Senator Dessureault calling the attention of the Senate to the Fifty-sixth General Conference of the Inter-Parliamentary Union, held in Lima, Peru, in September.

Senator Aird has given notice that on Tuesday next he will call the attention of the Senate to the Fourteenth Annual Conference of the North Atlantic Assembly held in Brussels in November, and Senator MacKenzie has given notice that he will call the attention of the Senate to the Twenty-third Meeting of the General Assembly of the United Nations, which he attended in November.

The Committee on Transport and Communications will meet to consider and report upon Bill S-19, to amend the Navigable Waters Protection Act. We would like to pass this bill and send it to the other house before the adjournment.

It is expected that next week, possibly quite late, we will receive from the other house a bill respecting anti-dumping. There is a deadline on this legislation arising out of a treaty and it is hoped that it can be passed before the adjournment. The Banking and Commerce Committee now have before them a White Paper on the subject matter of this legislation. The committee is to meet again on Wednesday of next week to continue consideration of this matter.

The Science Policy Committee will meet, and the Finance Committee will continue with its examination of the Estimates.

There will be divorce petitions, reports and resolutions to be considered and adopted. In addition, we expect to have another bill for introduction in the Senate in the first instance.

Also on the Order Paper for consideration on Tuesday next is the report of the Standing Committee on Banking and Commerce on the inquiry authorized by the Senate on October 10, 1968, into existing legislation regarding the census and statistics and the administration of such legislation. As honourable senators realize, this is indeed a very heavy program of work for the coming week.

Hon. Jacques Flynn: Honourable senators, we are grateful to the Acting Leader of the Government for putting before us what is on the agenda for next week. It is indeed a heavy agenda, but I would point out that there are only two matters which are of any real urgency. The first of these is the appropriation bill which is to be debated this afternoon and completed next week, and the anti-dumping legislation which will possibly reach us next week. This measure could have reached us this week if the proper decisions had been taken in the other place. In any event, I agree we have no other choice but to meet again next week. May I further point out that the circumstances would not have required us to be here next week and we could have done what was required urgently this week if we had received this anti-dumping legislaton.

Motion agreed to.

BRITISH NORTH AMERICA ACT

INITIATION OF LEGISLATION IN THE SENATE—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the inquiry of the honourable Senator Hayden, calling the attention of the Senate to section 53 and section 91 (as amended in 1949) of the British North America Act, 1867, and the effect of such sections on the initiation of legislation in the Senate.

Hon. Arthur W. Roebuck: Honourable senators, it is always nice to be first on the Orders of the Day, but I regret that I cannot give you the entertainment that has been extended to you in this debate, neither the wonderful oratory of my friend Senator Prowse nor the Irish poetry of my friend across the way, Senator O'Leary (Carleton). As a matter of fact, my program for today is rather prosaic, because I hope to state just the facts and draw what I think is the obvious conclusion.

Honourable senators, one wonders just what was the purpose of Senator Hayden in putting this item on the Order Paper. It calls attention to the authority of Parliament, under the British North America Act as amended, to amend section 53 of that act to permit the initiation of money bills in the Senate. As a matter of law, I have no doubt that Senator Hayden was correct in the conclusions he drew, that under some fanciful circumstances it might be made possible for us to initiate money bills in this chamber.

The amendment of 1949, with which I presume we are all familiar, inserts among the powers contained in section 91 of the British North America Act which gives the Dominion Government certain extensive powers, these very simple but sweeping words:

> The amendment from time to time of the Constitution of Canada,

They could scarcely be more sweeping. They are, of course, subject to certain exceptions, of which this is not one, and I need not spend time on these words. They refer to the amendment from time to time of the Constitution of Canada, subject to these few exceptions.

This inquiry calls attention only to that power which, without doubt, is in the Parliament of Canada. It calls attention only to the fact. It is not a bill. It is not a resolution. It is not notice of either a bill or a resolution, and as it stands it is purely academic. To give it a practical significance two things at least would be required. They are the repeal by the Parliament of Canada of sections 53 and 54 of the British North America Act—and this has not been stressed very much so far—or, on the other hand, the repeal of section 53, and the active co-operation of the government of the day to this very notable change in parliamentary practice, and of that we have been given no intimation whatsoever. We are not justified by anything that is before us in imagining that the Government of Canada, no matter what party is in power, would join with us in this change in constitutional practice. Of course, not only would we need the co-operation of the Government of the day, but we would need the passage by both houses of Parliament of a bill for the alteration of the British North America Act.

Although they have been read several times, let me read the sections in question. Section 53 reads:

> 53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

It could not be more simple or more explicit.

Section 54, which so far does not seem to have come into our discussions to any extent, and which is certainly not in the notice in our Order Paper reads:

> 54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any

> Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

Honourable senators will note that there are two points in that section. It refers first to the House of Commons and, second, to a message from the Governor General in the session in question. We could, of course, very easily add in section 54 the words "and the Senate" to the words "the House of Commons" as the place where a money bill might be initiated, but the abolition of the consent of the Governor is to my mind positively unthinkable. The Governor General is now, of course, the Governor in Council, that is the Government of the day, the Executive. To dispense with that consent would be contrary to the long-standing practice here, and also in the United Kingdom and elsewhere. That is not proposed by Senator Hayden.

Control of the raising of money, the public revenue, and its expenditure is essentially a task for a few men to undertake—experts, if you like that word—men who are thoroughly familiar with the overall picture of the national finance, men who can correlate the money raised with the money expended or, in the reverse, the money expended with the money available, men who are able to say how you cut your coat according to your cloth. The few men who perform that task and recommend it to Parliament must be supremely responsible to the nation, to the electorate. Such a task, I submit to you, is not within the practical competence of any general legislative assembly; so I think we must be agreed that we must retain the consent of the Government to the raising or the expenditure of money.

If we undertook such a task in this house it would undoubtedly require the consent of the Government in each instance of the expenditures of money or the raising of money involved in the money bill that would then be fore us. In each instance we would need to have the consent of the Governor General, the Government of the day, as it is in the other place at the present time, usually written and filed with the Clerk of the House of Commons. That means that unless we have the consent and co-operation of the Government, any such power as is envisaged in the motion now before us would be futile and without purpose. Unless Senator Hayden knows that he has the co-operation of the Government in bringing this matter before us, this debate, honourable senators, is absolutely without practical purpose. It is an exercise in futility. I think it is even worse than that, because it involves the possibility, the potential of a misunderstanding between this house and the House of Commons, between ourselves and the Government and certainly the possibility of a misunderstanding with the public at large.

Let me go a little further than anyone has so far gone in this debate and call your attention to the preamble of the British North America Act. The very first words of the act are these:

> Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland—

To this, I call your attention especially.

> —with a Constitution similar in Principle to that of the United Kingdom.

It has long been an essential principle of the Constitution of the United Kingdom that money bills originate in the Commons, never in the House of Lords, and always with the consent of the government of the day. Any other procedure, I submit to you, is practically impossible here or there. The two conditions necessary are that the money bill originate in the Commons and that it be with the consent of the Government. Anything else is fraught with the probability of misunderstanding and mistakes, bad judgment and a lack of that necessary intimate knowledge of the over-all financial affairs of the nation.

Without government co-operation in the present ostensible purpose of this proposal, it is not only futile, it involves the possibilities I have mentioned of misunderstandings.

I have stated before and I state now that one of the virtues of our house, over the many years that I have been here, has been the fact that we have been able to get along smoothly with the other house. In all that time there has never been a confrontation between ourselves and the other house. I can remember that we delayed one measure and it was brought in again the next session in a different form and passed. We made a very great improvement in it by doing so.

Hon. Mr. Connolly (Ottawa West): Was that the Foreign Exchange Control Act?

Hon. Mr. Roebuck: No, that is not what I had in mind. I was thinking about the act

which would have placed in the hands and control of the Department of Public Works the harbours of both Hamilton and Toronto. When the enormity of that bill was pointed out in this chamber the Government did not go on with it. It died on the Order Paper, and in the next session it came back to us in very much improved form.

There is another instance that I can mention, and I am sure there are a great many, where we have made changes, but in my experience we always came to an agreement with the other house. There has never been a quarrel or a misunderstanding or any confrontation between ourselves and the other house in the 23 years I have been a member of this house.

Hon. Mr. Choquette: The "class or kind" bill never passed here. We tried to meet with the other place, you will recall, but the bill never passed.

Hon. Mr. Roebuck: I remember it very well. It was dropped by the other house when we pointed out the absurdity of it and the very bad principles that were involved in it. We saved the nation from bad legislation on that occasion, and we did not get into a quarrel with the other house in doing so.

Hon. Mr. Flynn: We respect your opinion.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Flynn: That does not say we share it.

Hon. Mr. Roebuck: The case most often mentioned in this connection is the Coyne affair. I think it would be well if I said what that affair was, as there was a good deal of misunderstanding about it. You remember that the Finance Minister of the day demanded the resignation of Mr. Coyne, the Governor of the Bank of Canada. The Governor refused to resign, and, since the Government was determined to have his resignation, they introduced a bill in the Commons in effect discharging him.

The bill came to us. We gave him his day in court—which had not been given in the other house. Then—I know what I am talking about, because I made the arrangement—I told the Governor that we could not possibly refuse to pass the bill and leave a warfare between the Bank of Canada, a very important institution, and the Finance Department, another very important body. So it was arranged that, if we passed the bill, he would resign. We got what the Minister of Finance could not get.

Hon. Mr. Flynn: But if you had passed the bill, it provided for his discharge. He did not have to resign, once the bill was passed.

Hon. Mr. Roebuck: He had undertaken with me that he would resign.

Hon. Mr. Flynn: But if the bill passed he did not have a choice.

Hon. Mr. Roebuck: If the bill had passed, yes; but what we did was to give it the hoist, on an understanding clearly made between Mr. Coyne and me—and he did resign the same afternoon. So really that was not a confrontation between us: it was co-operation between ourselves and the Department of Finance or the Government.

Hon. Mr. Grosart: He had still been fired.

Hon. Mr. Roebuck: I did not hear you.

Hon. Mr. Grosart: He still lost his job.

Hon. Mr. Smith (Queens-Shelburne): He resigned.

Hon. Mr. Grosart: It is one way you lose a job.

Hon. Mr. Roebuck: He resigned, but he resigned honourably. That was the distinction between a resignation which was demanded and a resignation which he voluntarily gave.

Hon. Mr. Flynn: In retrospect, it is rather subtle.

Hon. Mr. Roebuck: There are many subtle things in this world, and you must not overlook them because they are subtle.

Hon. Mr. Grosart: There is another version to the story.

Hon. Mr. Roebuck: Honourable senators, I can conclude with a few sentences. I submit that it will be all right for us to pass money bills in this house, provided we have the active consent and the desire and the co-operation of the Government of the day, so that we can table here the consent of the Government in fact and of the Governor in form, as they do in the Commons.

The utmost control still would remain in the Government of the day. We might then pass the bill, as they do in the Commons. However, without that co-operation, it would be impossible, contrary to the spirit as well as the letter of the British North America Act, something which we should not undertake, and which we have no facilities to

undertake. What senator would like to be involved in that kind of thing?

Hon. Mr. Flynn: Agreed.

Hon. Mr. Roebuck: Thank you. My friend agrees. Under these circumstances, I repeat that this debate is an exercise in futility and, worse than that, possibly the provoking of misunderstandings.

Far be it from me that it go abroad from this chamber that we are attempting to deprive the House of Commons of its long-established and essential powers and privileges. We do not need to do that. We have our own work to do. As Senator O'Leary (Carleton) so well pointed out yesterday, we have our constitutional work to do here and it should be satisfactory if we do that work well. We have added to what the British North America Act seems to imply we could do, by the making of many inquiries and by the promotion of needed reforms. The last reform was the greatest yet, the divorce reform. There are many others we have accomplished. We have carried public opinion with us on a number of occasions, and we will do so again. We should not be fussing over our position, or be too over-anxious with regard to it. Let us do the work that is fundamentally ours, work that we are capable of doing, and let us do it well. Let us not even appear to be trying to take from the Commons one of their long-established rights and customs.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I will be very pleased when this item disappears from our Order Paper.

On motion of Hon. Mr. Langlois, debate adjourned.

APPROPRIATION BILL NO. 4, 1968

SECOND READING

Hon. Leopold Langlois moved the second reading of Bill C-141, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

He said: Honourable senators will recall that, on October 4 last, Royal Assent was given to an interim supply bill for the current fiscal year, which released a general proportion of nine-twelfths of all of the votes in the Revised Estimates for 1968-69.

Since that time, Supplementary Estimates A, containing three items totalling $84,250 have been presented to Parliament. The bill now before us will release the remaining three-twelfths of the revised Estimates 1968-69 and the full amount of the Supplementary Estimates A to which I have referred.

Honourable senators, for the better understanding of the remarks which I propose to make, I am having distributed now to honourable senators a memorandum—a short one of two pages only—summarizing those appropriation acts which have been passed so far, and the present bill.

The total of the Estimates tabled in Parliament to date is $11,355,461,660, consisting of revised Estimates (budgetary expenditures) of $10,670,850,598, loans and investments and advances totalling $684,526,812 and Supplementary Estimates (A) $84,250. I wish here to refer honourable senators to pages 476 to 581 of the revised Estimates for the list of the loans, investments and advances to which I have just referred. Of this sum, $4,886,054,377 is statutory and the remainder, some $6,469,-407,283, must be voted by Parliament. The interim supply bill, Appropriation Act No. 3, 1968, to which I referred, released $3,776,197,-303.75. The bill now before us will release the remaining $1,575,007,182.08 of the total to be voted in 1968-69.

I should remind honourable senators that the Revised Estimates have been examined by the Senate Standing Committee on Finance, with the assistance of the Secretary of the Treasury Board and members of his staff on two occasions, and also that these Estimates have been before this committee for some time. In the case of the Main Estimates, the original ones which were tabled on February 13, 1968, were referred to the Standing Committee on Finance on the same date. The Revised Estimates were tabled and referred to the Finance Committee on October 1, 1968, and the Supplementary Estimates (A) were tabled and referred to the Finance Committee on November 19, 1968. These Estimates being still before the Standing Committee on Finance, honourable senators will be in a position to obtain any further information which they might wish about them by referring to the committee, even after the passage of the present bill.

However, I shall endeavour to supply any further information which honourable senators may wish to have.

Hon. Allister Grosart: Honourable senators, once again we are indebted to a sponsor of an appropriation bill for providing us with a breakdown and explanation of the moneys

that we are asked to vote—in this case $1.5 billion.

I am not criticizing the fact that it was a very brief explanation, but I have some doubts whether it is an adequate justification for any hurried disposal of the bill for him to say that the Estimates have been referred to our Finance Committee. True, our Finance Committee dealt with the revised Main Estimates on two occasions, but I doubt if any honourable senator will suggest that two half mornings on a Blue Book of some 500 or 600 pages is sufficient scrutiny to satisfy this chamber that we need to do no more to discharge our responsibilities in respect to scrutiny of the spending of public funds.

I was surprised that the sponsor of the bill did not call to the attention of the chamber that this may be a most historic occasion. It may well be a milestone in the history of Parliament. Certain proposals have been made by the Government and are now being considered in the other place, and if these are accepted this will be the last occasion on which the Senate of Canada will have before it an appropriation bill that has been discussed in the Committee of Supply of the Whole House of the House of Commons.

Hon. Mr. Molson: Order.

Hon. Mr. Grosart: I heard a remark, but I am glad to say that Mr. Speaker ignored it, as I think he should have. What kind of a milestone this may be, honourable senators, is of course a matter of opinion. I happen to believe that it is a milestone marking a very dangerous detour from the straight, if narrow, path of the tradition of parliamentary control of the public purse, and, through it, of the executive.

Hon. Mr. Molson: Out of order.

Hon. Mr. Roebuck: Mr. Speaker, may I ask the honourable senator not to go on with a discussion of what goes on in the House of Commons? I do not know the detail of it. I have a different impression from that which my friend has, but I am not informed and I am not ready to answer it. I doubt that there is anybody here who can, and it is strictly against our rules to take part in a debate which is now in progress in the other house.

Hon. Mr. Grosart: With due deference to the suggestion made by the honourable senator, I waited to see if Mr. Speaker ruled on it. I would suggest that discussion of that—in view of the fact that these Estimates are coming to us in this very special situation—is entirely relevant to a discussion of the bill before us. We are not dealing with a normal situation. We are not dealing with a normal bill, and I would respectfully suggest that it is entirely within the rules for me to point that out to honourable senators and also to fill in the background of this bill and the context in which we are asked to pass it.

The honourable senator says that a senator may not rise here to discuss the background of a bill that is sent to us for approval, involving $1.5 billion. But his reading of the rules is very different from mine.

Hon. Mr. Roebuck: Does my friend suggest that the appropriations next coming to us are the background of the appropriation now before us?

Hon. Mr. Grosart: Would the honourable senator repeat the question? I did not understand it.

Hon. Mr. Roebuck: Do you suggest that the appropriations which may come to us later on, carried perhaps under different arrangements in the House of Commons, are the background of the resolution that is now before the house?

Hon. Mr. Grosart: My answer would be yes, very much so, because the background of the bill before us is very much a part of the bill. The proposal to which I refer is a proposal to change that background. Now, it is hard for me to say how that background can be more relevant. However, if it will make the honourable senator happy, I might say that before his intervention I had not the least intention of entering into a general discussion of those proposals.

Hon. Mr. Roebuck: That is all I asked you not to do. Thank you.

Hon. Mr. Grosart: I thought it was appropriate, however, to point out the degree to which the changes that are proposed in relation to the deficiencies in this bill may very well change the entire responsibility of the Senate in the future in respect to appropriation bills. I say that because if these proposals come into effect, it is my belief that there will be less rather than more scrutiny of the bills coming before us, and even less than the matter-of-fact scrutiny that was given to the bill that is now before us. As I say, there may be less in future, and in that case I would suggest that there may well devolve on this chamber a much greater responsibility than we have accepted in the past by taking, in

this case, the revised Main Estimates for a whole year and considering them at two meetings of the Finance Committee. It is my view that if these changes are made there will have to be a crash program for the changing of texts in the schools, particularly those texts that have suggested that the Committee of Supply and the Committee on Ways and Means are the cornerstones of parliamentary control of the executive and the public purse.

Hon. Mr. Molson: Mr. Speaker, on a point of order, I suggest that the honourable senator is completely out of order. He is discussing something currently before the other place, and I would ask for a ruling on this.

The Hon. the Speaker: Honourable senators, a question of order has been raised about allusions to debates in the other place, and for the guidance of honourable senators, I think I should read from May's Seventeenth Edition at page 451:

> The rule that allusions to debates in the other House of the current session are out of order, prevents fruitless arguments between members of two distinct bodies who are unable to reply to each other, and guards against recrimination and offensive language in the absence of the party assailed: but it is mainly founded upon the understanding that the debates of the other House are not known, and that the House can take no notice of them.

For the good order of the debate now going on I would respectfully ask that the honourable senators abide by these rules, which have been observed from time immemorial.

Hon. Mr. Grosart: Your Honour, I will of course respect your ruling. It is not difficult for me to do so because I had concluded my comments. However, I would like to say in respect to the ruling, that I was not referring to debates in the other place; I was referring to a printed document published under the authority of the Government of Canada. I will go no further than that.

Hon. Mr. Smith (Queens-Shelburne): Will you table the document so that we will all have it before us?

Hon. Mr. Grosart: I am sorry that I am afraid I would be going beyond the rules if I attempted to table a government document, much as I would like to do so. I am sure I am referring to something that is not so completely unknown to honourable senators as Senator Roebuck suggested. However, to come directly to the bill, even though I have so far been coming somewhat indirectly—

Hon. Mr. Molson: Nowhere near it.

Hon. Mr. Grosart —I have some questions to direct to the sponsor of the bill. Before asking them I assure him that I am not expecting an immediate answer since I understand the Government does not regard it as necessary that this matter should be disposed of today. There are some questions on which I am sure honourable senators would like further enlightenment, and perhaps I should immediately assure Mr. Speaker, Senator Roebuck and Senator Molson that as far as I know these are not matters that were raised in the other place. I do not know whether that assurance is necessary, but if the interpretation of the ruling by the honourable senators is correct, it would of course not be possible for us to discuss any item in these Estimates that had been the subject of debate in the other place in the current session.

Hon. Mr. Roebuck: Mr. Speaker, I must protest against that. I made no such statement and it cannot be implied from any statement I made that you cannot discuss the questions that were discussed there. What I said is that you cannot discuss the discussion that took place there.

Hon. Mr. Grosart: I do not wish to get into a long constitutional argument on that matter, but I was not originally referring to the discussion that took place. I was discussing a government paper, not the discussion that took place, and I made only passing reference to that discussion. However, Mr. Speaker has ruled on it and I do not think it is necessary to keep coming back to it.

The bill before us proposes to dispose of $1.5 billion. I point out that the form in which we have it is a very abbreviated form, as is usual, and is therefore to some extent misleading unless it is read in connection with the Blue Book to which it refers. The headings we have are all headings from the Blue Book without the details. It is also a bill that is retroactive in effect since some at least, if not all of the money, has already been spent, and if we pass this bill our action will be deemed to have been enacted by Parliament on the first day of April 1968. I refer to that in respect to this bill to indicate my view that it is, as it has been called by a government

spokesman, a "scandalous method of dealing with public funds."

The fact of the matter is—and I am being very careful here not to contravene Mr. Speaker's ruling—that this bill proposes to grant supply for all departments of government; and of those departments, the Estimates for only some twelve have been scrutinized in committees elsewhere and the remainder by and large have not been scrutinized at all. They have come to us reasonably free of any kind of legislative scrutiny. I mention that to indicate that we need to proceed with considerable caution. Let me add that I will be very glad if the sponsor of the bill or anybody else can show me any evidence of previous scrutiny of the Estimates of at least half of the departments covered here.

I have looked very carefully through what evidence there might be of any kind of previous scrutiny. I find no evidence of scrutiny, for example, of the Estimates of the C.B.C., or Central Mortgage and Housing, to indicate only two whose combined requests from the public treasury total at least $300 million.

In looking through the bill I notice, as usual, that some acts of Parliament, whose purpose is to control and regularize the expenditure of public funds, have again been set aside. There are some eleven examples of this, and lest any honourable senator should think I am picking on something that is not of very much financial importance, I would indicate that the "notwithstanding" items which I will deal with in a moment—5, 8, 16, 18, 19, 24, 25, 26, 27, 28, 29—total something like $370 million, which we are asked to approve, notwithstanding regulations or statutory enactments in other acts.

I am not on that account saying that there is necessarily any reason why in some situations exceptions should not be made, but I would ask the honourable sponsor of the bill if he would be good enough, in due course, to provide us with an explanation of the reasons why on at least eleven occasions here the provisions of the Financial Administration Act are set aside.

I ask that because at a past meeting of the Finance Committee I raised this question, and the then Secretary of the Treasury Board agreed that it was important that a reason be given when the Financial Administration Act and other acts were set aside and, in respect of the individual item concerned, the act was, in effect, amended by the Appropriation Act of Parliament. For example, there are at least two occasions in this bill where section 7 is set aside.

When we read section 7 of the Financial Administration Act, we find this:

> Subject to the provisions of any enactment respecting the powers and functions of a separate employer, but notwithstanding any other provision contained in any enactment, the Treasury Board—

has the exclusive power to determine manpower requirements, to provide for classification, to regulate pay and so on.

On several occasions in the bill before us that protection provided by the Financial Administration Act is set aside without explanation. I repeat, I am not saying there may not be very good reasons for setting it aside. On other occasions it has been explained to us that emergency situations do arise when it is not practicable to amend another act of Parliament, having in mind the legislative time schedules in the other place and here. But it is my view that in each case there should be an explanation, and the proceedings of our own Finance Committee will indicate that on one occasion at least in connection with these "notwithstanding" items and $1 votes, which have the same effect, the Finance Committee was promised an explanation.

Hon. Mr. Connolly (Ottawa West): Did it get it?

Hon. Mr. Grosart: No, it has never been received, and I am not blaming or criticizing anyone for that.

Perhaps the last occasion it happened was when Dr. George Davidson was before us. Then there was a change in his position and a new Secretary of the Treasury Board was appointed. As far as I know, it may not have been called to his attention. However, I am mentioning it to indicate that I am not alone in believing that this is a dangerous custom that has grown up of setting aside acts of Parliament in a supply bill which is, of course, an act of Parliament itself.

I have always been amazed that my friends in the legal profession have not protested this, because it is beyond me to know how anyone in that profession would be sure that any act of Parliament, as it stood in the published statutes or even in an office consolidation, would contain these amendments. I have asked this question before and no one has given me an explanation.

The fact of the matter is that there is no way of knowing—even in the case of any act

one is attempting to understand, one is prepared to go back to the last consolidation of the statutes—that that particular act has been amended by an appropriation bill.

A very good example was an appropriation bill we had before us in which provision was made for the payment of certain benefits under the Veterans Act to certain semi-civilian forces from Newfoundland. I believe it affected persons engaged in firefighting, attached to the armed forces. The Appropriation Act in effect amended the governing act, so that this group of persons was made eligible under the Appropriation Act. I am sure that any solicitor looking at the Veterans' Act to advise anyone whether he might be entitled to a pension under that act, would have told him, "No, you are not", unless by some method he was aware that an Appropriation Act had amended the act.

We have that situation here eleven times, not only in respect of the Financial Administration Act but one or two others as well. I have given the honourable sponsor of the bill the pages, and if he wishes I will be glad to give him my marked copy.

I notice that some of my friends opposite today are a bit touchy about the broader aspects of our financial management, but I think I would be remiss if I conclude my remarks without saying that I hope the general financial picture that has been placed before the Canadian public, of which this bill is a very important part, will result in the closing of what appears to have become a very large credibility gap between the Estimates of the Government and the amounts they spend. I am not going to detail that. I am quite sure all honourable senators are aware of the situation to which I am referring.

The honourable sponsor of the bill gave us a total figure and it appears in the summary. I think we are entitled to assume that it is the total amount, because this is the last Appropriation Bill for 1968-69, other than a possible supplementary. So, is this the total amount of public money the Government will spend this year?

On an earlier occasion there was a guarantee given by the minister, but circumstances that he claimed were beyond his control, and which I will not discuss, proved him wrong. It is my hope that every effort will be made by the Government to bring its Estimates, as presented to us today in this bill, strictly in line with what we will read in the Public Accounts when they come before us.

Hon. John J. Connolly: Honourable senators, I shall not detain the house long. I should like to make a few comments not so much upon this bill but upon the method by which this chamber deals with appropriation measures.

I agree with Senator Grosart, particularly in the latter part of his speech when he commented on the $1 items and others which set aside the provisions of the Financial Administration Act. This is not a desirable practice in the first place. In the second place, if it has to be resorted to, then I think there should be an adequate explanation given as to why this step is taken. I say in all frankness—and I would have said it had I been the Leader of the Government—that it is right and proper for this body to inquire into points of this character.

I remind honourable senators that we have come a long way in this respect. I can remember, in the days when I was going to college in this city, coming to this chamber and listening to the debate on an appropriation bill. In those days every time such a bill was presented in the Senate—and it could have been a bill concerning interim supply, final supply, or supplementary estimates—regardless of what party was in opposition it would always complain, "We are going to do nothing by rubber stamp this", and usually the rubber stamping was done at 4 o'clock in the morning.

It may be repetitious, but I think it bears repetition, to say that we did decide on a course of action which is responsible, and which should help every honourable senator who is interested in the expenditure of public money. It is a practice which I am glad to say has been continued, by which the Estimates and Supplementary Estimates are, upon tabling, immediately referred to the Standing Committee on Finance. Senator Grosart has pointed out that this committee has sat but twice on these estimates which, in effect, we are now debating. If any member of that committee, or indeed any honourable senator, required more detailed information than he had in connection with an appropriation bill or with the Estimates, then he had the right to go to the chairman of the committee and suggest that the time had come when there should be another meeting, or ask that another meeting of the committee be held.

The very fact that Senator Grosart has been able to speak in the way he has this afternoon about setting aside the Financial Administration Act, the $1 items, the scrutiny

of the Estimates and Crown companies, and things like that, is evidence of the value of the work that committee has done. I do not say it has been done in every session, but it is evidence of the work that can be done by the Standing Committee on Finance towards satisfying the members of this chamber that all the appropriate action is being taken in connection with the expenditure of public money.

We have to realize, of course, that when it comes to varying the Estimates we are in an entirely different position. Once the Estimates have been approved in the other place and we receive a final supply bill we are then boxed in. We cannot change the amounts up or down without either increasing the levy of tax or interfering with ways and means. On both counts we would be wrong. We have no authority to do it. We could reject the bill, but I suppose we would precipitate an election if we did.

Hon. Mr. Roebuck: We can lower the amount.

Hon. Mr. Connolly (Ottawa West): If we lower the amount we interfere with ways and means. I think any government of any party which found the amount of its appropriation bill lowered would immediately say, "This is beyond your capacity to do", or "This interferes with ways and means, and we cannot accept it." Looking at it from a practical point of view, I think that would be the result.

I do not want to make a long speech, but I do say that we have a responsibility in respect to these bills, and the work of the Finance Committee can be extremely valuable work. It may not affect the Estimates of the current year. It may not affect a single item in those Estimates, but it can put people who prepare the Estimates for consideration by the Treasury Board, by the cabinet, or by the other place through its committees, on notice that certain practices are not acceptable, not desirable, and not responsible.

There is a great deal of talk about the desirability of Parliament having control over the executive. That control is gradually being diminished in every parliamentary system in the world. I think in this Parliament, in this part of the Commonwealth, with good work being done by the Finance Committee—and the Finance Committee has done good work during the past five or six years—and with more suggestions as to how the Estimates should be prepared and what should be in them, and criticism of the various items that ought not to be included, there is not only an indication of a sense of responsibility but an assurance given to all members of the house that when we pass such bills we do so with our eyes open, knowing not only their strength but their weaknesses.

Hon. Jacques Flynn: Honourable senators, I have merely a few questions to ask of the honourable Leader of the Government. He might adjourn the debate today in order to give me replies next week if he is not in a position to answer today.

My first question has to do with the figures of the original Estimates. My understanding is that they totalled $10.3 billion, and the total of the Revised Estimates was $10.7 billion.

Hon. Mr. Langlois: It was pretty close to it, anyway.

Hon. Mr. Flynn: Do I understand that at present the figure given to us in the memorandum would show that the revised Main Estimates now should appear at $11.355 billion?

Hon. Mr. Langlois: Including the non-budgetary items such as advances, loans and investments.

Hon. Mr. Flynn: Then there would be no change in the figure of the revised estimates —they would still be $10.7 billion?

Hon. Mr. Langlois: For budgetary expenditures, yes.

Hon. Mr. Flynn: For budgetary expenditures, there is no increase in that. If that is the final answer, that satisfies me.

Secondly, would the Acting Leader tell us what is the estimated deficit for the fiscal year ending March 31 next? I understand that he may not have that figure now, but I should like to have it to compare it with the original estimated deficit of $40 million in the budget speech of Mr. Sharp last year.

My third question concerns the prospectus which the Government filed with the Exchange and Securities Commission last summer when it borrowed $100 million worth of bonds on the United States market. I should like to know if I was correct in suggesting that in this prospectus the Government had assured that our expenditures over the current year would not exceed $10.225 billion. If such is the case, I should further like to know whether explanations have been given since then to the commission about the

increase of $400 million or $500 million in our expenditures.

Hon. Leopold Langlois: Honourable senators, I will first deal with the questions asked by Senator Grosart—

The Hon. the Speaker: May I remind honourable senators that if the honourable Senator Langlois speaks now it will have the effect of closing the debate.

Hon. Mr. Grosart: On a point of order, Mr. Speaker. I wonder if I might suggest to the honourable sponsor (Hon. Mr. Langlois) that if he is going to answer some questions he should tell us his intentions before he makes a speech which might close the debate.

Hon. Mr. Langlois: My intention, honourable senators, was merely to inform the house that I was taking the questions asked by the honourable Senator Grosart as notice, intending to reply to them before this bill receives third reading, which will be next week.

I wish now to refer to the questions asked by the honourable Leader of the Opposition concerning non-budgetary items such as loans, investments and advances. As I said when introducing the bill, these are to be found on pages 575 to 581 of the Blue Book. These items have always been shown in the Blue Book in that way. They are not included in the budgetary items because they are not expenditures; they are merely loans, advances and investments. There is no derrogation to the practice in that respect.

Hon. Mr. Flynn: I made the inquiry merely to find out whether the original estimates, which had been $10.3 billion and revised at $10.7 billion, were still valid.

Hon. Mr. Langlois: Yes, they are still valid; there is no change.

Hon. Mr. Flynn: That is all I wanted to know.

Hon. Mr. Langlois: The honourable senator also asked about assurance which the Minister of Finance would have given—I do not know on what date—to the United States Exchange and Securities Commission. I do not know the answer to that now but I will endeavour to find out. I doubt, however, that such assurances were given. The minister might at the time have given a forecast of revenues and expenditures but I would doubt if he would have gone so far as to give any definite assurance as to a balanced budget. I am informed that this is not the practice. However, I will endeavour to find that out and provide the answer to my honourable friend before this bill is passed.

Hon. Mr. Grosart: I wonder if the honourable senator, who has referred to loans, investments and advances, would agree that whereas they are officially regarded as loans, investments and advances and therefore repayable, there are items in there that nobody expects to be repaid. I refer specifically to the CBC; there is no possibility of that money ever being repaid. Is it his understanding that some of these are carried in that way as mere bookkeeping items until they can be disposed of?

Hon. Mr. Langlois: I am sure my honourable friend will agree with me that as long as these items are listed on the ledgers as being receivable accounts they are considered as assets and not as expenditures. This is why they are not included in the forecast expenditures of the Government. They are merely advances, loans and investments, that is all. It has always been the practice to list them in this way.

Hon. Mr. Grosart: I would again ask the honourable sponsor if this could not be a very dangerous practice, if the estimation is that the Government merely by placing an expenditure item in this category can insist that we accept their categorization. I suggest that it can be a very dangerous practice.

Hon. Mr. Langlois: I am not prepared to agree that it is a dangerous practice. As I said, this practice has been followed from time immemorial. These items are listed in detail in the Blue Book, there is nothing hidden about them, and any honourable senator or any member of the other place can appreciate the possibilities of reimbursements of these loans, advances and investments. As long as they are taken as receivable accounts they are considered as assets.

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Langlois moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

RULES OF THE SENATE

MOTION FOR ADOPTION OF FOURTH REPORT OF SPECIAL COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the Fourth Report of the Special Committee on the Rules of the Senate which was presented on Thursday, November 28.

Hon. Hartland de M. Molson moved adoption of the report.

He said: Honourable senators, in moving the adoption of the report of the Special Committee on the Rules of the Senate, I should perhaps comment on the background which gave rise to some of the suggestions, observations and recommendations which it contained.

In the first place, the committee recommended that the rules be published in bilingual form in accordance with the present practice for the Statutes of Canada, and that the responsibility for publication be entrusted to the Clerk of the Senate. It was felt that this task required time and that the proper order, marginal notes, index, and translation, were most important for the effective use of the rules. There was some criticism of the previous translation, and certainly the old index was inadequate; it was felt that in bringing out a new volume these matters should be rectified.

As the report stated, simply bringing the rules up to date could not greatly change nor improve the role of the Senate, which is very clearly set out in the British North America Act as one of the three parts with the Queen and the House of Commons, which compose the Parliament of Canada.

In their study your committee were impressed by the fact that most of the changes now required had their roots in the British North America Act or other statutes, or would require consultation and co-operation with the other place.

As to the need for change, I think that honourable senators must be satisfied, from editorial and other comment, that the public desires, if it does not demand, change. Such comment in the news media which has come to my attention seems to indicate that instead of going too far, your committee's report has perhaps not gone far enough and is, perhaps, very late in the day. This last criticism of belated action is not too well founded because, as the record shows, as long ago as 1951 the Senate was discussing this problem. Since that time we in this chamber know how much discussion there has been within this building about the need of change or reform in order to enable the Senate to carry out the useful role which senators themselves are convinced is within the competence and the duty of this chamber.

Perhaps one respect in which the Senate and its members are really completely misunderstood is their attitude towards change. I do not think it is any exaggeration to say that we are commonly pictured as a group which wishes to cling to the position and privileges of senators, with an ardent desire to live out our term with as little disturbance or work as possible. I know from personal conversations with other senators how many feel that if they have not a useful and constructive role of value to the country they would just as soon return to their occupations at home. There is a deep dedication to public service in this chamber which is certainly not fully appreciated in the country.

In dealing with the specific subjects of the report there are the observations and suggestions that this house, without being divorced from politics, should be regarded as sufficiently independent and impartial to deal with the matters brought before it only in the light of the common good. I realize that this may be controversial, but I believe it is time we should express our views in this regard.

Although we have suggested no additional powers for the Senate, there are suggestions such as those relating to private bills and money bills which should go some way towards improving the performance of Parliament as a whole by a better distribution of the workload. That Parliament is under severe criticism for its slow rate of accomplishment is undeniable. To suggest that this is due to a lack of interest or competence of the members is ridiculous. It is obvious that, in order to carry out expeditiously the work imposed, a system in tune with life in the 20th century is required. Your committee has expressed the view that the Senate wishes to play its part not only by assuming its full share of the work load but also by the application of modern processes within traditional forms.

Stress is laid on the very important role played by Senate committees. In the Third Report this was made clear by the reorganization of standing committees as approved in this chamber, and in the Fourth Report the function of investigation, as carried out by special committees has been emphasized. Comments are made on some matters which it is felt are obsolete. One of these, the

suggestion that by virtue of holding property senators should constitute an upper class, has no place in Canada today. Even more so is the requirement that Quebec senators possess such property in one of the 24 electoral divisions which pre-date Confederation by many years.

The traditional procedure for Royal Assent is seriously questioned, because in this day of instant communication it no longer seems necessary to disrupt the work of all three components of Parliament for that purpose.

Another subject raised in committee was the inequity of deductions from senators' allowances because of non-appearance in the chamber while at the same time giving no recognition of attendance at a committee meeting, perhaps held on that same day or even more at a committee sitting while Parliament is adjourned. It was not put forward as a desire for more money but simply to call attention to an antiquated system of measurement of the contribution made by a senator to his parliamentary task.

The suggestion that the Senate chamber be used more in Committee of the Whole and by some standing committees is put forward because your committee is convinced that the valuable work of the Senate will never be recognized as long as it continues to be hidden from the public. It is true that the press and public are welcome at committee sittings, but we know from a practical point of view that it is rare indeed to see any outsider there. However, there are thousands of visitors to this building in the mornings throughout the year who would be able to see and, we believe, enjoy a committee in session in this chamber.

Finally, as a means of giving weight to the collective view of the Senate on its future, the report of the committee recommends that a motion be introduced in the chamber to initiate a study of the changes which would be required in the statutes to enable the Senate to fulfil its duty in the fullest possible measure now and in the years ahead.

Honourable senators, that was all I had intended to say in moving the adoption of this report, but I was persuaded that some comment should be made on one element of the very able speech made yesterday by my old friend and much respected colleague, Senator Grattan O'Leary. On page 756 of *Hansard* he said:

> Furthermore, honourable senators, I believe—and I intend to say this if I am here when Senator Molson's proposals come before the house—it is nonsense to say that a man or a woman cannot be appointed to this Senate who previously took part in the political life of the country. Surely these are the people who should be appointed to this chamber. Have they always been partisan in this house? If you are to argue that only nonpartisans should be appointed to this chamber, then you also have to argue that only nonpartisans should be appointed to the Supreme Court of Canada.

Honourable senators, that gave me the distinct impression that Senator O'Leary either had not read the report or had obtained his version of it from some news media. I must read a short extract from the report, paragraph 12, page 654 of *Hansard*:

> 12. To preserve the vital democratic responsibility of examination and thorough study in depth of legislation presented to Parliament, an impartial and independent Senate, comprising the ablest talent which can be attracted to it, is of paramount importance to our system and, consequently, to the Canadian public. This emphasizes not only the continuing and perhaps increasing need for our Chamber but, also, the importance of its composition as well as its procedures for ensuring a full and fair examination of public issues with as little distortion as possible by the crisis atmosphere of the daily political scene.
>
> 13. The experience of 100 years now indicates that there is some reason for the Senate to approach its task with full impartiality and independence. To this end it may be desirable that there should be a constitutional change widening the base on which senators are appointed. It is apparent that when appointments are confined almost exclusively to those who have faithfully served the party in power, there is a modifying influence imposed on their conduct by the natural loyalty to that party. This—

And I emphasize these words:

> This is not to suggest that either political experience or party affiliation by themselves should be a deterrent to an otherwise suitable appointment, but that if the Senate were more detached from the political party process it would have an immediate and beneficial effect on its conduct and on its image.

There is certainly no suggestion that people who have taken an active part in the political

parties of the country should not be appointed to this chamber.

In conclusion, may I say that my views, and those of my very able colleagues on the committee, are expressed in the report submitted to the chamber. The committee realizes that its 18 members may not reflect the views of the Senate as a whole. Its recommendations are put forward with the conviction that a debate on the observations and suggestions made will bring forth the wisdom of the Senate as relates to the future of the Senate itself. I—and I know your committee shares this view—have complete confidence that there is no body so well equipped to discuss this subject as the members of this chamber.

Hon. G. Percival Burchill: Honourable senators, unfortunately I will not be in attendance next week, so this will be my only opportunity to put forward some views on this subject. I will be very brief.

I wish to congratulate Senator Molson and the members of his Rules Committee on their report. I feel he has done a masterly job.

Hon. Senators: Hear, hear.

Hon. Mr. Burchill: We all appreciate that. We know the time, effort and study that he and the members of his committee put into the work. This report is a milestone in the history of the Senate.

Honourable senators, it seems to me that in making the Senate more effective, and that is what we are aiming at, we must take into account one weakness which has been shown right here this afternoon. I refer to meetings of special committees, such as the Science Committee—and also the Committee on the Rules—being held when the Senate itself is sitting. Every senator who is in Ottawa today should have been in his seat in this chamber to hear Senator Molson move the adoption of his report. Unfortunately some senators are at this moment attending a meeting of the Special Committee on Science Policy.

I have noticed during this session, particularly more than during any other time since I have been in the Senate, a grave lack of attendance when most important and informative speeches were being made, speeches which should have been heard by all members of the Senate. Members have not been in the chamber because they have been engaged in other Senate business. That is a problem which should be considered very carefully for the future. It is a serious weakness to have the business of the Senate dealt with here while many members are in committee. Those two committees. Rules and Science, are very large—I think they have 18 members each. That makes a big difference. They should have been here, as I say, to hear the able speeches that have been made on many subjects. I especially emphasize the point that every available member of the Senate should have been present in the chamber to hear Senator Molson move adoption of his report.

On motion of Hon. Mr. Haig, debate adjourned.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CANADIAN PARTICIPATION AT GENERAL CONFERENCE IN NASSAU—DEBATE CONTINUED

The Senate resumed from Thursday, November 28, the adjourned debate on the inquiry of the honourable Senator Connolly (Ottawa West), calling the attention of the Senate to the 14th General Conference of the Commonwealth Parliamentary Association, held at Nassau, Bahamas, from 26th October to 8th November, 1968, and the participation therein of the delegation from Canada.

Hon. Fred M. Blois: Honourable senators, the fourteenth Commonwealth Parliamentary Conference was held in Nassau from October 26 to November 8. Delegates from 75 commonwealth parliaments took part. Our branch sent a delegation of seven parliamentarians—two from this body and five from the other place.

Our delegation was led by Mr. James E. Walker, M.P. In addition to the official delegates, our own Senator John Connolly was there, because he is and has been for many years, a member of the executive of the C.P.A., and also he is a past president of the C.P.A.

Incidentally, I would mention that Senator Connolly gave the opening speech on behalf of Canada in the committee, and I think it was the unanimous opinion of the delegates there that it was one of the better, if not the best speech, delivered at the Conference.

Hon. Senators: Hear, hear.

Hon. Mr. Blois: The provincial branches were represented, with the exception of Quebec. Following a tour of the outer islands during the first four days, the Conference itself was opened on November 1 in the Senate chamber by the Governor, His Excellency Sir Francis Cumming-Bruce.

Over the next few days, some of the more urgent problems of the world today were debated in plenary sessions. The subjects included world security, the problems of economic growth, racial harmony or conflict. There were also two committees that discussed the matters of "Aid—How Effective?" and "Parliamentary Government—Where is it Heading?".

I believe all delegates left the conference agreed that these were extremely useful and important discussions.

All the delegates met in the plenary sessions. The number of subjects to be discussed made it necessary to work in two committees. I was requested to attend the Committee on "Aid—How Effective?"

In our opening remarks we stated that, following World War II, the world had seen the commencement of large-scale aid programs to which Canada substantially contributed, designed to provide relief and aid reconstruction in the countries of the Western allies which had been devastated by war.

The year 1950 marked Canada's entry into the field of external aid in the sense it is understood today. I might say, honourable senators, that these remarks are taken from those I made before the committee. In that year Canada joined Britain, Australia, New Zealand, India, Pakistan and Ceylon in a discussion of ways to cope with the political, economic and social problems confronting the newly independent nations of south and Southeast Asia.

The result of their deliberations was the Colombo Plan, conceived as a Commonwealth response to what was regarded as a Commonwealth responsibility.

In 1958 Canada decided to broaden the scope of its contribution by undertaking a new program in the Islands of the British West Indies. In 1960 Canadian assistance to Africa began. We gave some information regarding the type of aid that we were giving to these countries.

Some of the delegates who spoke before we did cited figures to show the amount of aid they were contributing. We also gave a very brief summary of Canada's aid, stating that our aid program had grown from less than $70 million a decade ago to $253 million in 1967-68, with a projected increase to $291 million in 1968-69, and, in addition, an export credit of $350 million. We pointed out that by 1970 Canada would endeavour to raise the level of foreign aid to one per cent of our gross national product.

Australia has passed this one per cent of her gross national product and Great Britain has either reached it or will do so this year.

We pointed out that the importance of intelligent criteria for aid becomes apparent when it is recalled that 85 per cent of the population of the world live in developing countries. The remaining 15 per cent, living in the rich countries of North America, Europe and the U.S.S.R., share between them nearly 90 per cent of the world income, some 90 per cent of the world's gold reserves, and nearly 95 per cent of the world's scientific capacity. Furthermore, the rich minority produce 50 per cent of the world's wheat and 70 per cent of total meat production of the world.

We pointed this out to the delegates there to endeavour to show them why it was necessary for the developed countries to come to the aid of the developing countries, because we so-called rich countries had so much and the so-called poor countries had so little.

Hon. Mr. Roebuck: May I ask the senator where those figures come from?

Hon. Mr. Blois: I received them from what I may say is a very highly reliable source, a high ranking official of the Government of Canada. I prefer not to give his name without his permission. I believe the figures are correct.

Hon. Mr. Roebuck: Was it from D.B.S.?

Hon. Mr. Blois: No, it was not. I could name the source, if it is deemed necessary.

Hon. Mr. Roebuck: The figures are valuable. That is the reason I ask the question.

Hon. Mr. Blois: I think they are. I think Senator Connolly knows where I got the figures. We discussed the matter and I believe them to be absolutely reliable.

We also stated that despite two decades of aid, the gulf between the poor and the rich nations is widening as population growth in the underdeveloped countries runs ahead of development. We stated that over the years a number of effective criteria have been developed for foreign aid. Of greatest importance is the amount of external assistance required to help countries reach the point of self-sustaining economic growth. Because so many countries lack adequate governmental administrative machinery, and because there are so many things that need to be done, one important criterion for aid is the existence of a national development plan.

Some honourable senators may wonder why I am harping on the matter of criteria, but I was asked if I would bring out some of the points of criteria to answer delegates who wanted to know why aid is channeled in the manner it is today.

If a country has a good plan, this facilitates the provision, focusing and co-ordinating of aid and it also serves to channel a country's energies more effectively. To an increasing degree, self-help and performance have become generally accepted criteria for aid. This implies a willingness on the part of the developing country to invest and direct its resources toward sensible development goals. There has been some criticism from various countries that in the past some of external aid was not wisely expended. Hence my reason for making such a statement.

We enlarged on the items I have mentioned, particularly as they related to Canadian aid.

After our talk we had several discussions with individual delegates from other nations. Perhaps it was not wise to go into detail, as we did at a public meeting of the delegates, but I think all of us on the delegation discussed with individual delegates from other nations the things that Canada and other nations were endeavouring to do to help the developing nations.

Some of the countries do not like "tied aid". They prefer to have the money and to spend it at their discretion. We pointed out our reason for "tied aid" in a number of instances.

Some countries feel that Canada could do more. We did not argue with them publicly, but privately we did try to assure them that we had problems in our own country and that we felt we were doing all that should be expected of us.

I am sorry to say that during the conference there was some bitterness, but I also believe that because of the conversations among the delegates of the various nations, we all left with a much better feeling of what the various developed countries were trying to do to help the developing countries. As I say, I think some of them were rather bitter at times, but I felt we were able to show them that some of their remarks were not entirely justified.

We also heard certain remarks from the delegates of some countries to the effect that discrimination against the non-white countries was fairly prevalent. They had some rather strong cases to tell us about. Again, when we left they all admitted, at least those to whom I spoke, that there was certainly no sign of discrimination between the white and non-white nations attending the conference.

That is a very brief report of what went on at the conference. I believe others may have more to say and will cover points which I have not covered this afternoon.

Hon. Mr. Hastings: Honourable senators, as one of the federal delegates attending the Fourteenth General Conference of the Commonwealth Parliamentary Association, I intend at a future date to make further observations and perhaps elaborate somewhat on the very informative reports that have been made by Senator Connolly (Ottawa West) and Senator Blois. Accordingly, I move that the debate be adjourned.

Motion agreed to.

The Senate adjourned until Tuesday, December 17, at 8 p.m.

THE SENATE

Tuesday, December 17, 1968

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Annual Report of the Minister of Trade and Commerce under the Corporations and Labour Unions Returns Act (Part I, Corporations) for the fiscal periods ending in 1964, pursuant to section 16 of the said Act, chapter 26, Statutes of Canada, 1962. (English and French texts).

Report, dated July 14, 1967, to the Federal-Provincial Ministerial Committee on Long Distance Transmission by the Federal-Provincial Working Committee, entitled "Regional and National Electric Transmission Systems for Canada—Stage II Assessment", together with the report of the Consulting Engineers. (English and French texts).

CANADA SHIPPING ACT

BILL TO AMEND—FIRST READING

Hon. Paul Martin presented Bill S-23, to amend the Canada Shipping Act.

Bill read first time.

Hon. Mr. Martin moved that the bill be placed on the Orders of the Day for second reading on Thursday next.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 487 to 557, inclusive, and moved that the said reports be taken into consideration at the next sitting.

Motion agreed to.

NORTH ATLANTIC ASSEMBLY

FOURTEENTH ANNUAL CONFERENCE AT BRUSSELS, BELGIUM—DEBATE ADJOURNED

Hon. John B. Aird rose pursuant to notice:

That he will call the attention of the Senate to the Fourteenth Annual Conference of the North Atlantic Assembly held at Brussels, Belgium, 11th November to 15th November, 1968, and in particular to the discussions and proceedings of the conference and the participation therein of the delegation from Canada.

He said: Honourable senators, I warmly welcome this opportunity to report to you on the mid-November meeting in Brussels of the North Atlantic Assembly, a meeting which came at a most critical and crucial time for our alliance.

I would also like to take this opportunity to tell you something of my own views—very much my own views—of the debate currently under way in Canada over external and defence policies. But before proceeding any further, honourable senators, I must express my sincere appreciation and gratitude to Senator Flynn and Senator Lang for the substantial contribution they made to the work of the Canadian delegation, of which I had the honour to be the chairman. They were both first-rate travelling companions.

Some senators may have noticed a report concerning our delegation that appeared in a recent edition of *Time* magazine, which reads, in part:

> When a group of 15 M.P.s and Senators attended the NATO parliamentarians' conference in Brussels, observers noticed that something had happened to the usually quiet Canadians. For one, the M.P.s seemed unwontedly well-briefed; they put forward Canadian points of view with remarkable congency.

As the *Time* report suggested, the Canadian delegation to the North Atlantic Assembly was indeed well briefed. The report represents a highly deserved tribute to the senators and members of the other place composing the Canadian delegation who took the time and made the effort required to prepare themselves thoroughly for a job which is assuming increasing importance. It also represents a tribute to the Honourable Léo Cadieux, the Minister of National Defence, and to the officials of the Departments of External Affairs and National Defence who briefed members of the Canadian delegation over the course of ten separate sessions. By the time our delegation left Canada we had some understanding of the main problems facing NATO; we were generally familiar with Canadian defence policy; we knew which issues were being reviewed; and we

had a good idea of how the North Atlantic Assembly functioned.

As the *Time* story further suggested, the members of the Canadian delegation are greatly indebted to Mr. Peter Dobell, a very able officer of the External Affairs Department for some 16 years and who recently resigned his post as head of the NATO desk to found the Parliamentary Centre for Foreign Affairs and Foreign Trade. In his new capacity, Mr. Dobell attended all of our preparatory sessions here in Ottawa, and during the meetings of the Assembly itself he played an invaluable role in briefing the Canadian delegation on developments at Brussels, and in offering sound and well-balanced advice when it was sought.

Honourable senators, the gathering in mid-November of the NATO Parliamentary Group probably had a greater impact than any of the other previous conferences. This was due in part to the fact that the five-day meeting immediately preceded and for two days overlapped the NATO ministerial session. We began on Monday and went through to late Friday afternoon, while the ministers arrived on Thursday and went through to Friday, and the communique was issued on the Friday. But, in no small measure it was—as I suggested at the outset tonight and also in my remarks at the plenary session in Brussels—because both meetings came at a critical and crucial time for the North Atlantic Treaty Organization.

Since the Assembly last met, the brutal invasion of Czechoslovakia by troops of Russia and other Warsaw Pact nations effectively crippled the liberalizing forces that were helping to promote increasing national independence among the countries of Eastern Europe. That invasion has also effectively dispelled the growing illusions that these liberalizing forces would continue to spread throughout the Soviet bloc and, in turn, lead inevitably to a growing detente between East and West. As I told the plenary session of the North Atlantic Assembly, this piece of summer madness by the Soviet leaders may have done more than shatter hopes for moving towards a detente in Europe. It may lead to sharp setbacks on other fronts as well, and it could endanger effective implementation of the nuclear non-proliferation treaty, as I told the NATO parliamentarians. Not only could it thwart other moves towards disarmament, it could also prove to be the decisive element in the launching of a new nuclear arms race between Russia and the United States.

The timing of this assembly was crucial, because over the next several months NATO and each member country will be engaged in developing their policies and plans for the future beyond the 20th anniversary of NATO's founding. These developments hold special significance for Canada because of the far-reaching reassessment of the nation's foreign and defence policies that are at present being undertaken by the Government. The recent election of a new government to office, the present international situation and the forthcoming 20th anniversary of NATO all combine to make this re-examination highly appropriate. I equally welcome the public debate going on throughout the length and breadth of Canada which this review by the Government has helped to foster.

Honourable senators, my own view, as I told the North Atlantic Assembly, is that:

> It is inconceivable under these radically altered circumstances that now confront NATO—if indeed it was not inconceivable before—that Canada would seriously contemplate withdrawing its NATO forces to Canadian soil, or substantially reducing the level of its forces in Europe.

It is undoubtedly true, honourable senators, that the major deterrent to world war has been provided by what has been well described as the balance of terror between East and West. In the case of the West, a major guarantor of peace has been the strategic nuclear armoury of the United States. But surely there is little room for doubt that the tactical nuclear and conventional forces mobilized under the NATO alliance have also played an important part in deterring communist aggression in Europe. As Canada's distinguished former prime minister, Lester Pearson, pointed out during his current series of Reith Lectures over the BBC, the strength of NATO's conventional forces would not be sufficient to resist for long an attack by the much more numerous conventional forces of the Warsaw Pact nations. I quote from Mr. Pearson's words:

> If NATO wished to defend itself against aggression from eastern Europe, it could not do so successfully at present by the use of conventional forces against the same kind of attack. It could only make its collective will prevail by the threat or the use of nuclear force, which would mean taking the responsibility for beginning a nuclear war and destroying both sides in the process.

Now, honourable senators, I believe it is of fundamental importance to understand the role that NATO's forces in Europe are intended to play. You will recall that in the early days of NATO these forces were regarded only as a kind of trip-wire—any major encounter on their part with those from the communist bloc being the signal for an all-out nuclear counter-attack. In more recent years, however, a very different concept of the role of forces under NATO's command in Europe has gradually evolved. It is now accepted that the alliance must be able to respond in a more flexible way to a confrontation with the Soviet Union. Rather than being limited to a decision involving a choice between surrender and all-out nuclear war, it is essential that the allies have available a wider choice, a wider range of options.

The crucial need to develop both the capability of a flexible response and the wisdom on the part of the decision-makers to weigh these broader options against the challenge confronting them was vividly demonstrated six years ago. In the Cuban missile crisis, a firm but restrained response by the late President John F. Kennedy slowly brought the world back from the brink of a nuclear holocaust.

By the same token NATO's forces in Europe have been gradually developed and strengthened. These forces give the alliance the capability of resisting temporarily, in the event of a limited conflict with the Communists, and just such a conflict might be possible as the result of an uprising in Eastern Europe, or communist action against Berlin. Therefore, these NATO forces provide the hope that sanity would eventually prevent both sides from rushing headlong into mutual destruction.

We must recognize and accept the fact—because we cannot change it—that in the event of a sudden, full-scale Russian nuclear attack these NATO forces in Europe would probably play very little real part as the Allies responded by unleashing their own terrible strategic nuclear weapons.

Under less extreme circumstances, however, these forces under NATO command in Europe could be of critical importance. They could offer precious hours and even days for negotiations which might forestall the annihilation of the world. In the ghastly situation about which we speak, I do not think—and I repeat for emphasis—I do not think it is over-dramatic to suggest that these forces could serve to buy time for eternity. In the dangerous and uncertain world in which we live, can we afford to discard the chance, however slim, that these forces of NATO in Europe could serve to stave off a global disaster? Surely the answer is "No".

During the course of his addresses in the Reith Lecture series, former Prime Minister Pearson ably underlined the difficulties and dangers presented by the current state of international relationships and the cool and level-headed judgment which they demand. Once again I quote from Mr. Pearson's address:

> For all this, and in anything that I have suggested, I am not advocating that we abandon our military defences whenever things seem to be improving politically; any more than we should rush in panic to add to them when there is a setback.
>
> Strong military power will have to be retained as an agent of deterrence, as a basic on which you can give strength to your diplomacy and your negotiations, while avoiding its provocative or threatening display like the plague.

Honourable senators, I am firmly convinced that our combined military defences are not only our best insurance against war, but also our greatest hope of winning a more secure and lasting peace.

Despite the setback to hopes of progressive detente caused by the Czechoslovakian invasion, I am equally convinced that we must constantly strive to establish broader and deeper contacts with the countries of Eastern Europe based, as these must be, on mutual self-interest. But as Mr. Pearson suggested, progress will only be made if we retain reasonable strength so that the Communists will not be tempted to exploit our weakness.

What then should be Canada's aims for as far ahead as we can see? Clearly the avoidance of nuclear war and the securing of a more assured peace must rank as the first and foremost objective of Canadian policy.

In my opinion, honourable senators, Canada's self-interest and its responsibilities as a partner in the western world demand that our country continue to do its share in contributing to a collective defence force that could one day just possibly spell the difference between survival and destruction.

After nearly twenty years of maintaining forces on the continent of Europe, a number

of Canadians have become weary of the burden, or overly optimistic about the prospects for avoiding a confrontation with the Soviet bloc. Others have contended that, with the strengthening of the forces of our European allies, Canada could now make a greater contribution to peace by concentrating on North American defence, or by concentrating on peace-keeping operations, or by sharply reducing defence expenditures and increasing aid to developing countries.

Considering what is at stake, this is no time to falter in our purpose. The events of this summer make it clear that the day of friendship and understanding between East and West may still be somewhat distant—and this is most regrettable.

I fail to see how Canada could make a greater contribution to peace by concentrating more fully on North American defence. Defence against what, we must ask ourselves? Against manned bombers? Against land-based intercontinental ballistic missiles or submarine-based intermediate range ballistic missiles? Considering the obsolescence of bombers and the existing inadequacies of defences against missiles, I do not understand what additional role we could reasonably perform in Canada that would add significantly to the security of North America itself.

I consider that the choices posed by some Canadians between defence and foreign aid or between participating in NATO and maintaining purely peace-keeping forces are false choices, false options. It is not a question of "either/or", but a question of finding a proper balance between all of these important objectives of our nation.

Perhaps one of the most persuasive arguments for withdrawal of Canadian forces from the continent is that they have become relatively insignificant as a result of the build-up of forces of the European members of the alliance.

It is true that the Canadian forces in Europe are neither particularly large nor particularly powerful in comparison with those of some of our NATO allies. Ironically enough, but also practically enough, Europeans attach a symbolic importance to these forces which far exceeds the significance which Canadians attach to their own contribution. This is a fact that was impressed on me and on other members of the delegation time and again by representatives of other countries during the meetings of the North Atlantic Assembly. To our general surprise, we found that the Europeans and the Americans value the contribution we make in Europe both for itself and, even as important, because it constitutes reconfirmation of our commitment to the principle of collective defence. In short, we discovered, on this and on other issues, that it is a mistake to assume that our allies see things as we do. This fact, of course, works both ways. I am pleased to report that as a result of the more vigorous and, I hope, effective participation of our delegation in the conference proceedings, we were told privately by the Secretary-General of the Assembly that several Europeans had been surprised to discover how much the point of view of Canadian members of Parliament differed from that of American congressmen and senators.

This leads to another element which must be seriously considered when weighing the alternatives for Canadian external and defence policy in the balance.

Just as Canada's participation in the defence of NATO is highly regarded, so would the withdrawal of Canadian forces from Europe threaten to touch off a strongly adverse reaction among our allies.

In a recent editorial, the *Financial Post* maintained that Canadian officials attending the NATO ministerial meeting "left Brussels deeply impressed by the trade and diplomatic row that will erupt if Canada pulls out."

In my view, Canada's influence with other economically developed countries in the formulation of diplomatic, defence, economic and monetary policies would be substantially diminished. It is true that under a go-it-alone approach we would have greater freedom to frame policies more to our own liking, but they would count for little or nothing in the councils of the world.

If for no other reason, our national self-interest—to say nothing of our national self-respect—requires us to continue to serve as a full NATO partner.

While I am unequivocally opposed to any significant reduction in our contribution to the NATO forces in Europe, this does not mean that I see no purpose in the current re-examination of our present foreign and defence policies or the current debate about these questions. On the contrary, I believe that both of these processes are necessary and healthy.

Just in the context of NATO, for example, it is obvious that some important decisions must soon be made regarding the future of

the Canadian air division after the CF-104 tactical nuclear bomber squadrons based in Germany are phased out of operation. Equally important decisions must also be made shortly about the future of air force squadrons based in Canada. Indeed, honourable senators, my only regret is that the current public discussion about defence matters has been largely confined to the question of whether or not to pull back Canadian forces stationed in Europe.

In my opinion, the time is overdue when we should be seeking answers to searching questions about the whole of our defence policy and the validity of the concepts on which it is based. What role is our navy intended to perform and what is its capability of performing that role? What role should be filled in future by the Canadian air force?

While there has been much discussion about the function of the Canadian brigade group based in Germany, virtually nothing has been said about the intended roles of the three brigades based in Canada, which apparently are in the process of being reorganized into four combat groups.

What role or roles are these troops intended to serve and how many troops are reasonably required to fulfill them? Even more to the point, how realistic are the assumptions on which those roles are based? Is it more important to maintain the equivalent of a brigade group stationed in Canada to meet what may be a remote contingency than to maintain the same number of troops in Europe as a direct Canadian contribution to the collective security of the alliance?

I do not profess to know the answers myself, honourable senators, but I do believe that these are the kinds of questions we in Parliament and the Canadian people should be asking and to which we have the right to expect answers.

I believe it is essential that we learn a lesson from the fact that a growing number of well-informed and responsible Canadians in recent years have been raising questions about our foreign and defence policies, in particular whether their forces in Europe any longer serve an important function.

As I told the North Atlantic Assembly in Brussels, Canadians by nature are neither neutralist nor isolationist. Nor have they in the past shirked their responsibilities abroad.

But Canadians are not militarists by nature either, and the simple fact is that NATO has been confronted by a growing credibility gap or, if you like, information gap, in this country.

It is fundamental that NATO must develop a structure and formulate both diplomatic and military policies that relate to the realities of today rather than yesterday. But, as I also told the North Atlantic Assembly:

> It is not enough for those responsible for directing the alliance to gather behind closed doors and convince themselves that what they are doing is right and proper. They must also convince the electorate which pays the heavy bills submitted by their respective governments that this undertaking continues to be a very necessary investment in their own peace and security.

Those responsible for directing the course of NATO have in the past tended all too often to overlook the vital necessity of maintaining public support for the alliance, which in turn demands the promotion of public understanding as a first prerequisite. Not only have they tended to ignore the people as a whole, they have also tended to pay very little attention to the NATO parliamentarians.

But it becomes less and less possible with every passing year to take public understanding and support of NATO for granted, because every year produces an ever-growing proportion of our people that knows nothing of world war and has little real awareness, based on past experience, of the dangers posed by Russian expansionism.

In Canada, for example, nearly 50 per cent of our population came into the world only since the end of the last war. It is of fundamental importance, therefore, that we realize that the maintenance of an informed and enlightened public in the countries which make up NATO will become an ever more pressing task.

Those charged with its responsibility must never forget that the future of the North Atlantic Alliance depends ultimately on the support of the people. They ignore that imperative at their peril, and at ours.

On motion of Hon. Mr. Flynn, debate adjourned.

APPROPRIATION BILL NO. 4, 1968

THIRD READING—DEBATE ADJOURNED

Hon. Léopold Langlois moved third reading of Bill C-141, for granting to Her Majesty cer-

tain sums of money for the public service for the financial year ending 31st March, 1969.

Hon. David A. Croll: Honourable senators, I have something to say before this bill is read the third time. The bill has been discussed in general terms, and Senator Langlois covered the ground very well. As a matter of fact, there was not too much discussion about the kind of money that was being spent, but that is normal in this place.

I will be a little more specific now; I will deal with one particular item. I want to direct my remarks to matters pertaining to labour, for, in terms of wages, working conditions and union security, organized labour has come a long way in Canada; so much so that it must come as a shock to realize that within a short distance of Ottawa there is a pocket of 19th century thinking with respect to the rights of workers to organize collectively. I thought we had settled that matter in this country nearly 30 years ago, but it keeps popping up now and again.

The Newspaper Guild which represents nearly all the editorial workers at the Peterborough *Examiner*, a Thomson newspaper, is attempting to obtain a first contract on this newspaper. It was certified in May as the bargaining agency and now it is meeting with the sort of opposition that is a throwback to the dark ages of industrial feudalism. There has been a strike there since November 2 of this year. The circumstances are just these: the company has made an offer on a take-it-or-leave-it basis, and this offer is a sad commentary on the kind of thinking that motivates executives. By no stretch of the imagination can the company's position be described as bargaining in good faith. They made an offer of $117 a week, rising to $125 after three years. The guild asked for $160 and then pared that proposal to $150 a week. This is surely a modest sum when one considers all prevailing factors including the fact that the *Examiner* has long been accepted as a newspaper which demands a high degree of skill from its journalists. I think it is well to tell the owners of that newspaper and the citizens of Peterborough that in some cities garbage collectors receive more money, and some of them can neither read nor write.

The guild is also asking for a union security clause in the contract in the clause prohibiting the company from transferring an employee from one Thomson newspaper to another without his consent. Those of you who remember the Freedman recommendations will appreciate that that was one of the points dealt with by Mr. Justice Freedman, and the present Minister of Labour has indicated that he will bring down legislation dealing with that very point.

Now the company refuses to discuss these issues of union security and transferring employees without their consent. In my view the company's position is an indefensible one and, in modern life, a disgraceful one. It is clearly out to smash the newspaper union and does not care how it accomplishes it. The attitude of Lord Thomson's newspapers towards guilds is very well known, and it has been their policy to deny the guilds what is afforded under the law as long as they can. There is little doubt that the charge that they are failing to bargain in good faith could be sustained, but it would not settle the strike.

Just recently the Oshawa *Times*, a Thomson newspaper, negotiated a contract with the guild, and this came about mainly as a result of Oshawa being completely organized and unionized. The support given to a handful of newspapermen on the *Times* was so overwhelming that management bowed to public opinion. What some of these people fail to realize is that higher wages bring improved standards of living to the community. But they do more than that; they make industry more efficient. Industry today in the main is in the hands of managerial people. They have got to produce or else, and so if they increase wages they make sure that somehow they obtain more productivity, and they do. As a result they acquire a better know-how and become more efficient, and the community benefits. I do not say that one cannot carry this too far, but to a great extent that is true today as it has been in the past.

But that is not the case in Peterborough. Substandard wages and archaic conditions appear to leave the town indifferent. Some of the clergy and some of the more liberal-minded people have come forward to denounce the paper for carrying on in spite of the strike and refusing to deal with the strikers, but it has not brought about a change of heart on the part of management. If any proof is needed of the charge that the company is anti-union and determined to break the guild, it is to be found in the attitude of the newspaper's executive since the strike. The chief of the editorial page, the city editor and the wire editor have joined the picket line. These are men whose positions put them outside guild jurisdiction, yet they have become convinced that the company is out to break the guild.

The assistant to the chief editorial writer who once refused to join the guild now has taken out membership without pressure of any sort.

The Thomson newspaper chain is highly successful in terms of profits, but its record in human relations can stand major improvements. I have seen the statement made time and again by Lord Thomson that he hasn't got time to read his papers editorially or otherwise, but he reads the financial sheet very carefully. Moreover, he is allergic to red figures. I think that is true. There is a great responsibility here and I think that the people of Peterborough should make their voice heard in demanding that the *Examiner* give the workers decent wages and fair treatment.

We have at the present time a task force that has been appointed by the Government for the purpose of making a report on labour-industry relations. Such anti-labour happenings are certainly not going to assist us in reaching any conclusions. Before we can project ourselves into new methods of dealing with labour, we should at least have learned to get along with the laws that are on the statute books at the present time. These people are badly mistaken who at the present time in their present mood and in their present orientation are dreaming about things that are likely to happen to labour in the near future. This may be a time of the year when people dream of certain things, but if these people are dreaming that in the course of events there will be compulsory arbitration, I think I can tell them now that our free society will not accept it. Certainly that point will not be reached unless we learn to get along with the existing laws which provide that where a unit has been recognized for bargaining purposes, the bargaining must not go on and on and on, but must be done in good faith and quickly.

Honourable senators, the time has come for us to speak out and indicate that we have a very large and important interest in keeping industrial and labour peace in this country, and that we will not get very much of it if we find that people in high places are not bargaining in good faith.

Hon. Leopold Langlois: Honourable senators—

Hon. Mr. Thorvaldson: Is the honourable Senator Langlois closing the debate?

The Hon. the Speaker: Not on third reading.

Hon. Mr. Langlois: Honourable senators, as you will recall, on Thursday last I undertook to deal further at this stage with the points then raised by the honourable Senators Grosart and Flynn.

Senator Grosart drew the attention of honourable senators to the fact that eleven of the items in the schedule to the bill contain phrases beginning with the word "notwithstanding" which have the appearance of setting aside the provisions of the Financial Administration Act. Most of these phrases are not new; they have appeared in the titles of Estimates items for many years. Moreover, in most cases they do not ask authority beyond the limits established under earlier practice. In some cases, indeed, these phrases constitute an extension of the control by Parliament over expenditures.

The eleven items can be grouped as follows:

In the first group are items in which current year commitment authority and the authority to spend revenues is sought. These consist of the items on pages 5, 16, 25 and 26 of the bill.

The Government has announced in Parliament that it has accepted the recommendation of the Glassco Commission that revenues should be offset against related expenditures, where appropriate. This is what is being done in the items in this category.

There are times, especially during the first months of the year, when contracts have to be entered into that call for the spending of the gross amount provided in the vote. Since the amount of the vote is the net amount, authority is sought in the vote title to make additional current-year commitments equivalent to the difference—that is, the anticipated revenue—so that the contracts entered into may meet the requirements of the Financial Administration Act. Examples of these types of items are found on pages 18, 26 and 28 of the bill.

In some cases the revenue is sufficiently small relative to the gross requirement, or comes in so regularly that no additional commitment authority is required. In such cases the title of the item will propose the spending of revenue without additional commitment authority. Illustrations of such items can be found on pages 18, 19, 24, 27 and 29 of the bill.

Now I come to the second group which includes items containing language limiting

the total of commitments that departments may make in the current and future years. These are the items on pages 16 and 27 of the bill.

The Financial Administration Act provides that contracts, to be lawful, can be entered into only if there is sufficient money in current year Estimates to meet the expenditures contemplated for the current year by the contract. The act is silent, however, on the implications of contracts for future years' expenditures.

In some cases it is deemed in the public interest to establish clearly that a limitation is intended. This is the purpose in the two items in this category to which I have just referred.

I now turn to the third group. In the title of External Affairs Vote 1, the Administration vote, on page 8 of the bill there are three references to section 7 of the Financial Administration Act. Each of these is given in connection with the appointment and fixing of the remuneration for various representatives of Canada abroad. By custom, such appointment are made by the Governor in Council. For administrative convenience authority is sought in this vote title for the fixing of the remuneration concerned by the Governor in Council rather than by the Treasury Board.

Honourable senators, on the same occasion the honourable Senator Flynn, the Leader of the Opposition, asked two questions. The first was:

> ...would the Acting Leader tell us what is the estimated deficit for the fiscal year ending March 31 next?

The answer is that the estimated deficit, as given in the Budget Speech delivered by the Honourable E. J. Benson on October 22, 1968, for the fiscal year 1968-69, was $675 million. This is the latest estimate available. The revision to the forecast deficit is due mainly to the large programs that are financed jointly with the provincial governments. These programs were discussed by the Minister of Finance in his Budget Speech, and honourable senators may refer to this speech for a more detailed explanation.

His second question had to do with "...the prospectus which the Government filed with the Exchange and Securities Commission last summer..."

Although the honourable senator referred to "last summer," I take it that he was referring rather to the document which was filed in May, 1968 before the Exchange and Securities Commission in Washington, D.C. I said the other day that there was no assurance given by the Minister of Finance as to the total expenditures for the then coming year, although the minister gave the forecast of expenditures for that year without giving a definite assurance as to what the actual amount will be.

The purpose of the prospectus tabled on May 28, 1968 with the Securities and Exchange Commission in Washington, D.C. was to provide financial information on the Canadian economy, external trade, government finances, public debt and other areas of interest to the prospective purchasers of the bonds which were being offered for sale. This type of information or prospectus is provided each time the Government of Canada goes to the bond market.

As part of this financial information made available to the commission and to the purchasers of the bonds, there was the announced intention to hold the budgetary expenditures to a level of $10,300 million, apart from medical care insurance programs and write-off of the Expo '67 deficit. Since the Government has not been required to return to the bond market, no further prospectus has been filed with the Securities and Exchange Commission.

Hon. Allister Grosart: Honourable senators, I thank Senator Langlois for the prompt answer he has given to the questions I raised on Thursday in connection with what I call the "notwithstanding" items. I rise at this time merely to make it clear that I am not satisfied with the explanation he has given. He has covered the eleven items that I mentioned, but I must say that the first explanation given, that this has been going on for a long time, does not, in my opinion, justify the continuance of this unsatisfactory practice.

I associate myself with the remarks made by Senator Connolly (Ottawa West) who followed me on Thursday last, and I take his general conception of what might be done in this regard as the text for my own position. It still does not seem to me to make any sense that a supply bill—one of many that come to us in the course of a year—should of necessity set aside provisions of the Financial Administration Act in respect of eleven items. If this is necessary, then it seems to me it is time to amend the Financial Administration Act to provide for these situations.

One of these items concerns supply for the Department of External Affairs and it includes, as I understand it, the salaries and expenses of all our ambassadors, high commissioners, consulates, and others abroad. If it is desirable—and I can understand that it may well be—to exempt those appointments from the requirements of the Financial Administration Act, which would put them under the Public Service Commission, then surely it is time to amend the Financial Administration Act so that every time these particular items of supply come up we will not be asked to set aside its provisions.

My second comment is, as I mentioned on last Thursday, that we have an undertaking that in future these "notwithstanding" items and the $1 items be explained individually to the Standing Committee on Finance, and through it to the Senate. I suggest to Senator Langlois that he might do well to look up that undertaking, so that when the Finance Committee meets again to consider a supply bill we can expect to be given a mimeographed sheet containing a specific explanation of every $1 item, and of every item in a supply bill that sets aside an Act of Parliament. The honourable senator might find that suggestion, when pressed home, to be a better system than the present practice in which officials get into a certain mould and carry it on because no member seems to object. I strongly object to the setting aside of an Act of Parliament year after year in connection with the same items, when the proper course seems to be the amendment of the governing act.

Again, I thank the honourable sponsor of this bill for the care he has taken, but I point out that he has grouped the eleven items, and given general explanations. What I asked for was an individual explanation of each item. I am not asking for it today, but I do think the chamber is entitled to an explanation of the reason for the setting aside of the Financial Administration Act, and other acts, in every single case in respect of which we are asked to do that. An appropriation bill in this context is a request to this chamber to set aside an act of Parliament for a specific purpose and for a specific reason, and all I am asking is that we be given this specific purpose and specific reason before we decide to set aside a statute such as the Financial Administration Act, the basic purpose of which is to control the spending of public funds.

Hon. Mr. Langlois: Honourable senators, I am sure that Senator Grosart would not wish me to let go unchallenged a remark he made. He mentioned that in respect of the items setting aside some of the provisions of the Financial Administration Act the first reason I gave for this was that it had been the practice to do so. I did not say that, as the record will show. I merely said that these phrases were not new.

The first reason I gave was that the Government had announced that it had accepted the recommendation of the Glassco Commission that revenues should be offset against expenditures, and that the Government was merely doing this by the items in group one, which items are to be found at pages 5, 16, 25, and 26 of the bill.

As to the suggestion that in the future honourable senators should be provided with an explanation of each item in respect of which the provisions of the Financial Administration Act are being set aside, I am told that the officers of the Treasury will be very pleased to supply this information whenever they are requested to do so by the Standing Committee on Finance. As I have mentioned earlier in this debate, the Estimates covered by the present bill are still before the Finance Committee, and notwithstanding the fact that we are debating this bill now, any honourable senator—and he does not have to be a member of the Standing Committee on Finance—can apply to that committee to obtain whatever information he needs as to any of the items contained in this bill.

Hon. Mr. Grosart: I rise on a question of privilege, honourable senators. If I misunderstood Senator Langlois, or misinterpreted what he said, of course, I apologize. I certainly had no intention of misinterpreting his remarks.

Hon. Gunnar S. Thorvaldson: Honourable senators, it seems to me that Senator Croll has taken the occasion of a debate on the motion for the third reading of a supply bill to make a vicious and personal attack against a noted individual, against a group of Canadians, and against a Canadian company. My sense of fair play tells me that the matter should not rest there. In my view, the people who have been attacked by Senator Croll should be allowed at least to indicate to some honourable senator on either side of the house whether they have anything to say in reply to this attack.

Consequently, I beg leave to move the adjournment of the debate.

On motion of Hon. Mr. Thorvaldson, debate adjourned.

CENSUS AND STATISTICS

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Report of the Standing Committee on Banking and Commerce on the inquiry authorized by the Senate on 10th October, 1968, into existing legislation regarding the census and statistics and the administration of such legislation, which was presented on December 11.

Hon. T. D'Arcy Leonard moved adoption of the report.

He said: Honourable senators, on October 10 last, on a motion by Senator Carter and after a debate, it was resolved by the Senate that the Standing Committee on Banking and Commerce be authorized to inquire into and report upon existing legislation regarding the census and statistics and upon the administration of such legislation, and recommend any changes in such legislation and administration required to establish and develop the census and statistics as a vital efficiency aid to the good government of Canada, and the advancement of proper business in the public interest.

Since October 10 the Standing Committee on Banking and Commerce has had probably ten meetings or more in its legislative capacity dealing with bills referred to it by the Senate, both public and private bills, and it did not have the time or opportunity to devote attention to this special inquiry directed to it concerning the census and statistics.

As acting chairman of the committee last week, I brought the matter before the committee on Wednesday last, and after a discussion it appeared to the committee that the subject-matter of the motion referred to it was such that, in trying to work it out along with its legislative duty dealing with bills referred to it, it was not going to be able to give the time and study required by a matter of this importance. In the result, Senator Carter moved the resolution that is now before you, the effect of which is that the Standing Committee on Banking and Commerce, having considered the terms of the inquiry so authorized, is agreed that such inquiry should be undertaken by a special committee of the Senate to be constituted for that purpose, and so recommends. This is the essence of the report submitted to you for your consideration.

Motion agreed to.

CRIMINAL CODE (HATE PROPAGANDA)

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Arthur W. Roebuck moved the second reading of Bill S-21, to amend the Criminal Code.

He said: Honourable senators, in days gone by this bill was a highly controversial measure, and I suppose it is yet, but as it appears on the Order Paper tonight I think it is purely routine. With one very small and inconsequential amendment it is exactly the same bill as the one we referred to a committee prior to the election of 1967.

The original bill was S-49. It was read on November 7, 1966, quite some time ago. In that bill the very last item was:

> (d) "judge" means a judge of a court or, in the province of Quebec, a district magistrate.

The present bill leaves out the words "a district magistrate" and substitutes "a judge of the provincial court". That is where an application is made to a judge, or to the magistrate previously, for a warrant for the seizure of alleged hate propaganda.

The explanation is a very simple one. Legislation was passed in the Legislature of Quebec changing the name "magistrate" to "judge of a provincial court", so that the parties are exactly the same. No change is made except in the name. I mention it because that is the only change in this bill from Bill S-49, or the later Bill S-5.

I introduced Bill S-49 on November 9, 1966, and I closed the debate on March 20, 1967. That is to say, the debate ran on for five months, and as many as 29 senators were heard in that debate. I would not speak with authority, but it seems to me that it was perhaps the best debated bill we have had before this chamber for a long time. We were not all agreed on the measure, certainly not entirely, but there were some things upon which we did agree. The important one so far as we are now concerned was that it should be referred to a committee for further study. There was not so much objection taken to the objective of the bill as to the bill itself, so it was thought at that time, on both sides of the house, that the proper procedure was to refer it to a committee in the hope that it could be made more satisfactory to all of us.

Very shortly after that the session was prorogued and a new session reassembled on May 8, 1967. Then, on May 9, 1967, a succeeding bill in exactly the same terms, numbered S-5, was introduced. On November 2, 1967, Senator Connolly (Ottawa West) moved, seconded by Senator Bourget, that the bill be referred to a committee. There had been a discussion prior to that and he named the committee and its personnel. On November 21, 1967, I moved, seconded by Senator Deschatelets, the second reading of Bill S-5, and then it was that Senator Flynn moved, seconded by Senator Choquette, that the bill be not read a second time but that the subject matter of the bill be referred to a special committee for study and report. That motion was negatived and a further motion was carried giving the bill second reading.

I would just like to refer to the debate, which was very short on that occasion. Senator Flynn said:

> I agree that we need not repeat the debate we had in the previous session.

And Senator Connolly (Ottawa West) responded:

> I agree with Senator Flynn, as I am sure all honourable senators do, that it would be unnecessary to retraverse all the ground over which we went when this bill was before us at the last session of Parliament. At that time we had a very thorough-going debate.

And indeed we did have a very thorough-going debate.

The situation is almost exactly the same at this moment. The committee did meet, but only three times. They met on February 14 and 29, and on March 7, 1968. On April 23, 1968, Parliament was dissolved and so the work of the committee came to an abrupt end. A new Parliament re-assembled on September 12, 1968. Bill S-21, now before us, is in exactly the same terms as was the original Bill S-49 and its successor, Bill S-5, with the slight changes in the names of the parties, in that they are not magistrates now but judges of the provincial courts.

It seems to me appropriate under the circumstances of having sponsored the first bill and moved second reading, that I now sponsor this bill and move its second reading, because it is purely routine to send it back to a committee. I do not intend to make any comments with regard to the bill; that, I think, is now the work of a committee. At the same time, of course, I am not standing in the way of anyone else who wants to discuss it and exercise his right of free speech, but if you see fit at the present moment to give it second reading I will at once move that it be referred to one of the standing committees recently constituted.

That is all I have to say, honourable senators. It is purely a matter of routine at the moment in order to let a committee go on with its work.

Hon. Jacques Flynn: Honourable senators, we will not stand in the way of second reading being given to this bill tonight, but I really want to say that those who objected to the bill were not objecting to the purpose of the bill. We merely said that we did not see the need for this bill, and I just want to put on the record the fact that since the first and second bills were introduced nothing has happened to show any necessity for such a bill.

Hon. Mr. Roebuck: Nor any change.

Hon. Mr. Flynn: Of course not. If it be the same thing I suggest to my honourable friend that we make this more explicit, in any event, in committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Roebuck, bill referred to the Standing Committee on Legal and Constitutional Affairs.

[Later:]

SECOND READING AND REFERENCE TO COMMITTEE RESCINDED

Hon. Mr. Roebuck: Honourable senators, I rise on a point of privilege. Earlier, I moved that Bill S-21 be referred to the Standing Committee on Legal and Constitutional Affairs. Our official advisers have informed me that that committee is not yet properly constituted and the bill cannot now be sent to it. Therefore, with leave of the Senate, I move that second reading of this bill and also its reference to the Standing Committee on Legal and Constitutional Affairs be rescinded.

Hon. Mr. Croll: Honourable senators, I second the motion.

Motion agreed to.

Hon. Mr. McDonald: Honourable senators, I move that the debate be adjourned until Friday next, at which time the committee should be constituted.

Hon. Mr. Roebuck: Honourable senators, I second the motion.

On motion of Hon. Mr. McDonald, debate adjourned.

INTER-PARLIAMENTARY UNION

FIFTY-SIXTH ANNUAL CONFERENCE IN LIMA, PERU—DEBATE CONTINUED

The Senate resumed from Tuesday, December 10, the adjourned debate on the inquiry of Hon. Mr. Dessureault calling the attention of the Senate to the 56th Annual Conference of the Inter-Parliamentary Union, held in Lima, Peru, from 5th to 13th September, 1968, and in particular the discussions and proceedings of the meetings and the participation therein of the delegation from Canada.

Hon. Gunnar S. Thorvaldson: Honourable senators, having been one of the delegates of the Canadian Parliament at the 56th Annual Conference of the Inter-Parliamentary Union held in Lima, Peru, last September, I would like to join with the honourable Senator Dessureault in making a few remarks concerning that occasion.

First I wish to acknowledge the splendid leadership given to our delegation by Mr. Grant Deachman, M.P., and also to refer to the fact that our own Senator Dessureault has, since 1965, served with great distinction as a member on the Executive Committee of the Union.

Canada became a member of the Inter-Parliamentary Union only in the year 1960. It is a fact that our Parliament had become a member in 1900, but as stated by Senator Dessureault, this membership was, for some reason, permitted to lapse in 1927.

It then became my privilege to lead the first three delegations of our second period of membership to conferences, first to Tokyo in 1960, to Brussels in 1961, and to Brasilia in 1962.

Speaking of the Inter-Parliamentary Union as a whole, upon attending only a few meetings of this body it is a legitimate question to ask: what is the value to the world and to our civilization of organizations such as this one? Indeed, when Canada allowed its former membership to lapse in 1927, one also wonders why this was allowed to happen. Perhaps at that time, as many others did, we thought of the world as being completely safe for democracy. Either that or we were then too self-satisfied—isolationist, if you wish—and we did not believe in the value of keeping in personal touch with the rest of the world on the parliamentary level. Be that as it may, I must say that attendance at these conferences causes one to be dedicated and imbued, as in no other way, with the principle of the supremacy of parliament.

The 56th annual conference of the Union was held in the shadow of the Warsaw Pact nations' attack on Czechoslovakia. Hence the whole tenor of the debate on political questions such as the draft resolution on colonialism and neo-colonialism and on the United Nations' resolution regarding non-intervention of states in the domestic affairs of other states and the protection of their independence and sovereignty, reflected these recent events in Europe.

During this debate emphasis was continuously laid on the value and importance of parliaments throughout the world. It was pointed out to the U.S.S.R. delegation and its satellite delegations that if they had in their countries genuine and free parliaments in the free-world sense, then events such as the rape of Czechoslovakia would not occur —at least it would not occur without appropriate debate in those parliaments which might conceivably apply restraint on the rulers of those countries, namely, their governments. Would it not have been amusing if the delegations from those countries—they are all parliamentary delegations—had approached the rostrum one by one and confessed along these terms: "Yes, we are parliamentarians; true, we have parliaments in our countries, but our respective governments make the rules of debate in our parliaments and we were limited by law to a debate of two hours' duration on the rape of Czechoslovakia"? Would not that have been amusing?

I was indeed proud of the fact that the Canadian delegation took a leading part in focusing the attention of the Conference on this very point, namely, what is the purpose of parliaments if not to be heard; what use, if their speech is to be throttled and if parliamentarians did not express, or were not allowed time to express, their conscience on matters such as an armed attack on Czechoslovakia?

I quote from the report of the Canadian delegation, as set out on page 744 of *Hansard*, where it was placed as an appendix by Senator Dessureault on Tuesday last, as follows:

Grant Deachman, M.P., who spoke for the Canadian delegation, reminded participants of the strong stand the Canadian Government had taken against the intervention in Czechoslovakia's domestic affairs by the invading foreign forces and he asked the U.S.S.R. delegates to take the example of parliamentarians in other countries who had waged bitter and successful battles for parliamentary supremacy. Mr. Deachman stated that "acts such as that committed against Czechoslovakia were not made by nations in which parliaments and people were supreme".

Perhaps, and indeed I have no doubt of this, the parliaments of the Warsaw Pact nations, including the U.S.S.R., take great pride in their efficiency, yes, their efficiency, which means, perhaps, much more to them than the freedom to speak.

Included in the report annexed as an appendix to *Hansard* of December 10 is a transcript of the resolutions accepted by the Conference. In my remarks I will refer only to one of those, namely, No. 3, headed: "Methods of providing aid to developing countries through stable prices for exported products, development of primary industries and effective financial assistance." I refer to this because it was my privilege to speak to this question at a plenary session of the conference in Lima.

This resolution brings up one of the problems of today's world, namely, aid to developing countries.

As you will see from the heading, there are three facets to the problem:

(1) Stable prices for exported products; that is, for the exports of these under-developed countries.

(2) Development of primary industries.

(3) Effective financial assistance.

As to this problem, the members of the Senate Standing Committee on External Relations were given, during the last session, an excellent review of Canada's role in the field of aid to developing countries, by Mr. Maurice F. Strong, Director-General, External Aid Office. Canada is now a major participant in this field, our present annual contribution being over the sum of $300 million U.S. This amounts to about 5 per cent of the total contribution of all donor countries. In fact, we have now presumably made a commitment with ourselves to increase this contribution by 1970 to an amount equal to one per cent of our then GNP. When we consider that in that year our GNP may be up as high as $80 billion, one per cent of that will be a sizeable amount. In this context I merely want to say that many other nations seriously question whether present methods of foreign aid, involving these huge expenditures by donor countries, are as useful as they ought to be to these under-developed countries, and consequently many countries have in recent months been reducing their commitments to such countries.

I believe that a massive inquiry by some committee of Parliament should be made into this whole problem, and that should be done soon. Consequently, considering the escalation of the demands of the under-developed countries for aid; considering the fact that other countries than Canada seem to be reducing instead of increasing their commitments to these countries; considering also the grave doubts many people hold as to whether aid dollars really help the needy or merely enrich the well-to-do; considering the fantastic disparity in the wealth of people in these countries—considering all this, it is my view that we in Canada should institute a far-reaching inquiry as to how best to deal with this problem of external aid. This could be of importance both to ourselves and to the under-developed countries.

This is one of the problems which was debated at great length in the Lima Conference. There was reference to the various conferences that had been held under United Nations auspices. The conference at New Delhi attended on behalf of Canada by the Honourable Robert Winters last February was one such conference dealing with this subject. Unfortunately, that conference cannot be said to have been a success. As you know, the under-developed countries are most desirous of having a system of tariffs whereby they can get preferences from the wealthy countries of the world. They want a system which these countries find very difficult under present trading arrangements and in the light of the Kennedy Round and the tariff arrangements that are being made now. Consequently, I say this is a matter of tremendous importance not only to the world and to the under-developed countries but also to the big donor countries—such as Canada is today.

There is a tendency at these conferences of the Inter-Parliamentary Union to talk and associate with parliamentarians from every country in the world, and you receive a dedi-

cation to the institution of Parliament which helps greatly in appreciating the function and role of parliaments throughout the world. It helps you to understand that parliaments must be free, that they must not be dominated. We must never lose sight of the principle of the supremacy of Parliament.

On motion of Hon. Mr. Grosart, debate adjourned.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, before moving the adjournment of the house tonight, I would inform you that Senator McDonald has directed my attention to the fact that senators may be thinking of their travel arrangements for the Christmas recess, and that it has been arranged that there will be air flights east and west leaving Ottawa between 8 a.m. and 9 a.m. on Saturday, December 21. If senators are interested in these arrangements, they should call Mr. Norman Zadra at 6-1630 in the Government telephone book and accommodation will be provided for them.

I now move the adjournment of the house.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, December 18, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

[*Translation*]

FIFTH ANNIVERSARY OF THE FOUNDATION OF THE NATIONAL UNIVERSITY OF RWANDA

VISIT TO FRENCH-SPEAKING COUNTRIES IN AFRICA

Hon. Paul Martin: Honourable senators, with leave of the Senate, I would like to report about the trip to Africa I undertook a few weeks ago on behalf of the government.

As you know, I came back last Saturday from a trip which took me to several African countries. The Prime Minister had asked me to represent the Canadian government at the ceremonies marking the 5th anniversary of the foundation of the national university of Rwanda. I took that opportunity to stop in five other African countries and pay a call on their leaders with whom I discussed matters of mutual interest. That explains why, in addition to Rwanda, I made successive stops over in Niger, Senegal, the Ivory Coast, Ghana and the Democratic Republic of the Congo.

In Niger, I met the President of the Republic, Mr. Diori Hamani, the President of the National Assembly, Mr. Abbou Baba, and most members of the government. I discussed with President Diori of the Canadian representation to the conference he convened in Niamey with a view to developing bonds between French-speaking countries. I told him that the Canadian government had agreed to take part in that conference and wished to send a delegation made up, apart from representatives of the federal Government, of delegates from Quebec and other provinces having a significant French-speaking minority. President Diori said he was happy to see Canada reaffirming its interest in the French-speaking commonwealth.

I wish to take this opportunity to commend the eminent personality of President Diori Hamani. As Chairman of the joint African and Madagascan Organization made up of fourteen African French-speaking countries, he has become, along with President Senghor of Senegal and Bourguiba of Tunisia, one of the main builders of the French-speaking commonwealth. He is the one who took it upon himself to call that conference which was to be held in Niamey on December 15th but which, as a result of the difficulty to bring together at that time all the countries concerned, had to be postponed. We hope it will take place in the early months of 1969.

However, I could notice during these talks between President Diori and the Canadian government that there was a complete agreement as to the way the French-speaking commonwealth should develop. As I have stated many times, when I was Secretary of State for External Affairs, we see in it mainly a means to promote cultural exchanges between French-speaking countries and to assert the presence of the French language in the world, exclusive of any political objective.

I took advantage of my conversations with Niger authorities to sum up the situation with regard to the numerous co-operative projects implemented by the Chevrier mission. I was able to advise them that work would soon start at the Mariamma Lycée at Niamey. That *lycée*, founded 12 years ago by Canadian nuns and run by them in an exemplary fashion, was the object of a special request from the Niger government with which we complied. I myself visited the *lycée* during my visit to Niamey and expressed *vive voce* to the Canadian nuns the admiration of the Canadian government and the Canadian people for the dedicated work they are performing over there.

I cannot stress enough just how favourably impressed I was by that country with which Canadians are not yet too familiar. Located at the cross-roads in the heart of Africa, it has been from the earliest times the ideal spot for meetings and exchanges. Rich in minerals, but less fertile than its neighbours to the South, it is being faced with difficult development problems. I hope that within the French-speaking commonwealth, an increasing number of exchanges will be possible between our two countries.

The next lap of my trip took me to Senegal, where I met that great friend of Canada, President Léopold Sédar Senghor. President Senghor is, as everyone knows, the principal promoter of the French-speaking commonwealth. I was able to discuss the matter with him, as well as the main international problems of the day. I also took advantage of my

visit to discuss with several members of the Senegalese government questions of common interest to our countries and in particular to review the progress achieved through the implementation of the projects approved by the Chevrier mission. I noted that the ties of friendship between Senegal and Canada are solidly entrenched. And I am happy to note that, through the facilities of our embassy at Dakar, our exchanges with this country are ever increasing.

My next stop was the Ivory Coast where I had the honour of meeting, for the first time, its dynamic President, Félix Houphouet-Boigny. I soon realized that Mr. Houphouet-Boigny knows Canada well. He and I had most interesting exchanges of views on some international problems. I also spoke with him, and with several members of the Ivory Coast government, of the co-operative projects we support over there.

The Ivory Coast, in full development, is one of the few countries in Africa that can hope to overcome its development problems in the foreseeable future; it certainly deserves very special attention. During my talks with President Houphouet-Boigny, I expressed the hope that the relations between our two countries may develop promptly.

I emphatically add that, in my opinion, the Canadian presence in those French-speaking countries is advisable and has become quite essential.

After my visit in Abidjan, the capital of the Ivory Coast, I made a brief stop in Accra in order to board a plane for Rwanda. Nevertheless, I had the opportunity to meet the Minister of External Affairs, Mr. Aanin, with whom I had some profitable talks.

From Accra, I flew to Entebbe in Uganda where a plane took me at first to Kigali, capital of Rwanda, and finally to Butaré, the seat of the National University of Rwanda.

I had the honour to take part, as a Canadian government representative, in the ceremonies marking the fifth anniversary of the founding of that university. I had the pleasure of being present when President Kayibanda of Rwanda received an honorary doctorate. President Kayibanda is to be credited with having realized the importance of education for his country. He sounded out Reverend Father G. H. Lévesque of Quebec city,—the city where our Opposition Leader comes from—to head that university, and he has always sustained his efforts with a view to establishing the institution on a sound basis. I also had the pleasure of seeing there my old friend, Father Lévesque, and all the Canadian professors who devote their time and energy to promote the development of the university.

Canada and all the countries which contributed to its success can be proud of the National University of Rwanda. Education is, without a doubt, essential to the improvement of conditions in developing countries. I am particularly glad to have been associated personally and right from the start with this most important undertaking.

The Democratic Republic of the Congo was the last stage of this African journey. In leaving Rwanda and going through Burundi, I was able to fly over this vast country from one end to the other and to realize its great size and diversity. The Congo went through a difficult period following its accession to independence but, since then, order and stability have been re-established. This country, one of the biggest in Africa both with regard to size and population, will therefore be able to devote itself entirely to the task of developing its great natural resources and its economy.

I had the honour of meeting in Kinshasa the young and dynamic President of that country, General Mobutu. In the name of the Canadian government, I invited him to visit Canada, and he accepted. I therefore hope to have the pleasure, along with the government and the members of parliament, of welcoming him in this country in the coming year.

I had the opportunity of talking with several Congolese ministers. Our conversations with the leaders of that country dealt with many topics, such as Canadian participation in international conferences, the present problems on the international scene, and the co-operation projects which we have with the Congo.

This too brief and too short a trip allowed me to see and to know only one very small part of the countries which I have visited. However, I have been extraordinarily impressed with the vitality of these young countries and with the will of their leaders to tackle intelligently and firmly the tremendous problems of development which confront them. Canada has already established worthwhile links with the Commonwealth African nations. It seeks now to develop and extend those which have already been established with the French-speaking countries of that continent. I felt that they were close to us, due to our linguistic and cultural affinities,

and was happy to see that Canada was undertaking with them the great task of co-operation. Now that this trip is over, I especially remember the remark made to me by President Houphouet-Boigny, of the Ivory Coast, to the effect that Canada, which unites two great cultures, prefigured the future of English-speaking and French-speaking Africa.

I come back from that trip with the very distinct impression that Canada can make to those uncommitted countries of the world an actual and efficient contribution and that in the process it can be of service to itself through a clearer expression of what makes its worth and its value as a nation.

Hon. Jacques Flynn: Honourable Senators, may I, on behalf of the opposition and also, I think, on behalf of all the members of this house, tell the honourable Leader of the government that we are very happy to see him back with us following the successful mission assigned to him by the Prime Minister of visiting the French-speaking nations in Africa.

I think that he mentioned the two principal purposes of his mission: first, to attend the fifth anniversary of the founding of the National University of Rwanda and, secondly, to visit other French-speaking nations mainly to settle, if possible, the problem raised by the Conference on Education of the French-speaking countries which will be held in Niger next February.

As far as the fifth anniversary of the founding of the University of Rwanda is concerned, I think that it was from the start the purpose which could have been stated as the most official—an excellent purpose in other respects.

He called to our memory, Reverend Father Georges-Henri Lévesque who founded this university with the help of the Canadian government and of other Canadian sources as well, including financial and educational assistance. Father Georges-Henri Lévesque is a personal friend of mine, but I must emphasize that he was the master teacher of Senator Lamontagne. It might be said that perhaps he influenced Senator Lamontagne too much. In my own case, but in a different way, he was also a master and perhaps he did not influence me sufficiently. At any rate, we are very proud of Reverend Father Lévesque's achievements in Africa. His work is a credit to Canada. Canada and the Senate are also truly honoured by the fact our Leader was attending the fifth anniversary celebrations of the founding of this university.

The second reason for the visit of our Leader, and no doubt the most important, consisted in establishing certain procedures concerning Canada's representation at the Conference on Education of the French-speaking countries to be held in Niger—

Hon. Mr. Martin: And in the Congo.

Hon. Mr. Flynn: And in the Congo.

It was reported in yesterday's newspapers that:

> On his return from a 16-day visit to Africa, Senator Martin was optimistic about the success of his mission dealing, no doubt, with the problem of Canadian and Quebec representation at international conferences.

And Senator Martin is reported to have added:

> I might say that Canada's status as a sovereign nation will be fully respected.

I think this should make us very happy. I believe the Gabon adventure or misadventure has been a profitable lesson.

We will have understood that there are ways to solve such problems other than by severing diplomatic relations with a country. To my mind, it would be wrong to exaggerate some of those difficulties, especially in a federal system such as ours, where there are exclusive reponsibilities and jurisdictions in various fields at both levels of government.

In the field of education, needless to say, our constitution gives exclusive jurisdiction to the provinces and, when meetings such as the conference on education are to be held, the federal Government should take into consideration the point of view of the provinces. As a rule, it has always done so. For instance, it did so with regard to UNESCO; the federal Government has often refused to sign international treaties, because it considered that this matter did not fall within its jurisdiction. In fact, however, it is a field where federal diplomacy should be exercised, not only with regard to foreign countries, but also with regard to the provinces.

I am very pleased that the Prime Minister has given up the stiffness which characterized the action taken with regard to Gabon, by entrusting the honourable Leader of the Government in the Senate with the task of restoring more normal relations between Canada

and French-speaking countries. We started in Africa and I trust we will continue elsewhere. It will be seen that with understanding, patience and, let us say, real diplomacy, those problems can really be solved and Canada can be made to assume the role it can play, as a bilingual country, as heir to the French and English cultures. I am not forgetting the other cultures but here I am thinking especially of the two main languages of the country.

In this regard, therefore, I feel that the mission of our leader will have been a very worthy accomplishment. Once again, on behalf not only of the opposition but of all the senators, I congratulate Senator Martin on the success of his mission. I trust that the results we anticipate will become a reality in the months to come.

[*English*]

ANTI-DUMPING

EXAMINATION OF WHITE PAPER—REPORT OF COMMITTEE ADOPTED

Hon. T. D'Arcy Leonard, Acting Chairman of the Standing Committee on Banking and Commerce, presented the following report:

> The Standing Committee on Banking and Commerce to which was referred the "White Paper on Anti-Dumping", has in obedience to the order of reference of December 9th, 1968, examined same and reports as follows:
>
> Your committee has considered the White Paper on Anti-Dumping tabled in the Senate on December 9th, 1968, and in particular the draft bill contained at pages 40 to 100 thereof. Your committee has also considered the amendments to such draft bill proposed by the Standing Committee on Finance, Trade and Economic Affairs of the House of Commons as reported in the Journals of that House on December 9th, 1968.
>
> Your committee recommends the draft bill, amended as so proposed, to the Senate for its favourable consideration.
>
> If Bill C-146, "An Act respecting the imposition of anti-dumping duty", now in the House of Commons, reaches the Senate in a form materially different from the draft bill as amended by the Standing Committee on Finance, Trade and Economic Affairs of the House of Commons, then your committee recommends that such Bill C-146 be referred to this committee for consideration.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Leonard, with leave of the Senate, moved the adoption of the report.

He said: Honourable senators, the Standing Committee on Banking and Commerce has had three meetings dealing with the White Paper on Anti-Dumping and the proposed draft bill. Two meetings were held last week and a third was held this morning. We had before us as witnesses Mr. Arthur from the Department of Finance, Mr. Labarge, Deputy Minister of National Revenue, Mr. Hind, the Assistant Deputy Minister, and Mr. MacDermid, Chief of the Evaluation Section of the Department of National Revenue.

As most of our senators were quite familiar with trade matters involving tariffs and anti-dumping, the consideration that was given to the reference to us was quite thorough and sufficient for us to report back this afternoon.

To give you the background of the reference to the committee of the White Paper, I should like to say that it is one of the results of the Kennedy Round of tariff negotiations between GATT countries. It was recognized in those negotiations that no matter what agreement was reached with respect to reduction of tariffs there would be other matters that could interfere with the results of those tariff reductions—matters involving things like anti-dumping, where the prevalence or the existence of dumping might in itself either interfere with the other arrangements as to trade or, in some cases, nullify them.

As various countries in GATT had different laws and different methods of administration of dumping and of dumping legislation, it was desirable to bring about some international code respecting dumping. This was arrived at in the Kennedy Round negotiations, and those countries completing the tariff agreements came to an agreement to bring in an international code dealing with anti-dumping. Canada was one of the countries that agreed to bring this code into effect. In the case of other countries it has been brought into effect as of 1st July 1968, but in Canada's case it was agreed that the changes in our law should come into effect as of 1st January 1969. Therefore our legislation should be enacted before that date.

I think I should say at the outset that the form in which this international code is being brought into effect in Canada is one that

Senator Roebuck has often urged upon us, and follows a principle with which I entirely agree. The code is being brought into effect by a statute which changes our existing laws, rather than by an act which simply ratifies an agreement already reached.

To deal with the changes that are intended by this legislation it is necessary to go back to the law with respect to dumping as it has existed in Canada for a long time. Our law goes back to 1904. Mr. Fielding, the then Minister of Finance, brought in the first anti-dumping legislation, and it has not been changed much in the intervening years.

Honourable senators, the subject is rather a technical one, and I may not be fully qualified to deal with it, but I think I can explain it in fairly simple terms. Our law, as it has existed for all these years, defined "dumping" as the difference between the selling price of an imported product and its fair market value. The difference by which the fair market value exceeded the selling price constituted dumping. This dumping was subject to duty if it applied to goods of a class or kind made in Canada. The definition of "goods of a class or kind made in Canada", was made by order in council, and it too has existed for a long time. That definition was a simple one: If 10 per cent of the Canadian consumption of the goods were produced in Canada, then the goods were of a class or kind made in Canada. If less than 10 per cent, then the goods were of a class or kind not made in Canada. So, the application of a dumping duty was automatic if the selling price of the goods was below the fair market value, and if 10 per cent of the goods or more was made in Canada.

The anti-dumping laws in other countries were on a different basis. Some countries complained about the Canadian system, and in turn Canada and Canadian exporters of goods to other countries sometimes felt that they were up against unfair dumping laws. This led to the bringing into effect of an international anti-dumping code which would apply to all countries signing it.

The changes that will be made by the new legislation are material changes both in principle and in practice. In the first instance, dumping is defined to be the export of goods at an "export price" below the normal value of those goods. There are regulations and sections dealing with the determination of "normal value", and while on the face of it there may not be a great difference between this and the former definition of dumping, in actual practice I think it will be found that the new definition is more accurate and is more likely to prove whether or not dumping in fact exists.

The other principle to be introduced in the legislation and which is in the code, is something quite new to Canada. That is, in addition to proving dumping, the dumping must cause injury or be capable of causing injury to Canada industry, and particularly to any Canadian industry that is in its infancy and hopes to become greater in size and importance. Previously, if the product of an industry was less than 10 per cent of Canadian consumption it had no protection against dumping, but under this new principle of injury the infant industry can be protected if it can show that injury would be done to it. To implement this new concept the proposed legislation sets up a tribunal of five persons who will be full-time and who will be selected from outside the public service. This tribunal will determine whether or not injury to Canadian industry is created or caused by this dumping. These are the essential changes in the proposed legislation.

Honourable senators, I do not think it is necessary for me at this time to go into details of the proposed legislation. I would simply say that the White Paper and the draft bill which is in the White Paper were submitted to a committee of the House of Commons in October, which committee dealt with it over a period of time that concluded only recently and it then made a report to the House of Commons. The bill, together with amendments proposed by the Commons committee, was introduced last evening in the other place as Bill C-146, and it is now being dealt with there. As yet it has not reached us.

For that reason, our committee is reporting to you today that we have considered the White Paper and the draft bill and the amendments recommended by the House of Commons committee and report them to you for your favourable consideration. The committee goes on to say that if Bill C-146, when it does reach the Senate, contains any material change from the draft bill in the White Paper and the amendments proposed by the House of Commons committee, it should be referred back to the Standing Committee on Banking and Commerce. Otherwise, if the bill contains no material changes it is in the hands of this chamber to decide whether or not to refer the bill back to the committee.

Report adopted.

UNITED NATIONS

TWENTY-THIRD SESSION OF GENERAL ASSEMBLY

Hon. Norman A. MacKenzie rose pursuant to notice:

> That he will call the attention of the Senate to the Twenty-third Meeting of the General Assembly of the United Nations (1968), and in particular to the discussions and proceedings of the Assembly and the participation therein of the observers from the Parliament of Canada.

He said: Honourable senators, it is a happy coincidence that by way of introduction to what I have to say the Leader of the Government in the Senate, the honourable Senator Paul Martin, should have dealt in such an interesting way with those countries of Africa which are members of the United Nations and are playing a very important role in it. I was particularly pleased to listen to his references to my good and old friend Father Levesque, and to find the Leader of the Opposition (Hon. Mr. Flynn) in complete agreement with those words of appreciation.

I like to count Father Levesque as one of my best friends. We at the University of British Columbia were the first in Canada to award him an honorary degree and to give him some measure of the recognition to which he is entitled. I had the honour and privilege of serving with him on the Royal Commission on National Development in the Arts, Letters and Sciences in Canada, known as the Massey Commission. I found him not only a gracious and generous colleague, but a very wise and intelligent man. I would like to add now my words of appreciation of and respect for Father Levesque. My only regrets are that while he is doing so much for Africa he cannot be doing as much for Canada too.

Hon. Senators: Hear, hear.

Hon. Mr. MacKenzie: Honourable senators, while I know that other members of the Senate have attended the General Assembly of the United Nations as parliamentary observers or in other capacities, I felt I should report to you on my impressions of the two weeks I spent there. I am most grateful to the Senate, to the Government and, in particular, to my old and good friend the Leader of the Government in the Senate, the Honourable Paul Martin, for giving me this opportunity. He and I have had a great many things in common growing out of our interest in international affairs.

After I returned from World War I and took up again my studies at Dalhousie University in Nova Scotia, I became particularly interested in International Law, which was taught by a distinguished authority in that field, the late Henry F. Munro. As a boy attending Pictou Academy I had the privilege of being one of his students in English and history, and have no hesitation in stating that he and Manley O. Hudson of the Harvard Law School had more influence on me and contributed more to my development than any others of my distinguished professors.

After Pictou Academy, Henry Munro went on to Harvard, and from there to Columbia and, in due course, became a professor at the latter institution. While there he collaborated with Professor Stowell in bringing out an admirable collection of cases in the field of international law. Later, because of his love for Nova Scotia, he was persuaded to leave Columbia and return to Dalhousie, and there I had the good fortune to sit at his feet again.

From Dalhousie I went to Harvard and did most of my work under Professor Hudson. At the conclusion of my Harvard experience I was awarded a fellowship in International Law by the Carnegie Endowment for International Peace. I proceeded to Cambridge further to study international law under Pearce Higgins, Sir Geoffrey Butler, Philip Noel Baker, Arnold MacNair and other distinguished authorities in the field of International Law and Relations.

While at Cambridge I was invited to go to Geneva and was appointed one of the legal advisers of the international Labour Office, the only one of the League of Nations organizations that survived World War II and is still carrying on its good work.

After a few years with the International Labour Office I returned to Canada as Professor of Public International Law and Canadian Constitutional Law at the University of Toronto. At Toronto I came to know Paul Martin who was a distinguished student at that university and at Osgoode Hall, and who played a leading role in student organizations there.

vard to study international law with Manley O. Hudson. He too was awarded a Carnegie O. Hudson. He too was awarded a Carnegie Fellowship in International Law for further study at Cambridge, and from Cambridge he

went to Geneva to study under Sir Alfred Zimmern in the Geneva Institute of International studies. On returning to Canada he was called to the Bar and entered law practice and politics in Windsor, Ontario. He continued his interest in international affairs and was one of the valuable and important members of the Canadian Institute of International Affairs.

I have kept in touch with Paul Martin over the years, and I would like now to pay my modest tribute to him for all that he has done—and, believe me, it has been a great deal—for Canada, the Canadian people and the world generally. We are most fortunate to have men like Senator Martin, with their ability and experience, who are prepared to serve in the difficult area of public life; many others like myself will be forever grateful to him.

Coming back to the United Nations, I was particularly pleased to have the opportunity of attending, in an official capacity, the General Assembly of that body because, in a real sense, it has rounded out my experience in international affairs. As a student I attended many conferences in Canada, the United States, France, Germany, Holland, Czechoslovakia, Switzerland and Poland. I may say that because of the frankness of the discussions and statements made in those conferences, in some respects I learned more from these student conferences than I have from the other higher level international conferences that I have attended over the years since then.

In 1924 I had the good fortune to be invited by the Honourable E. M. MacDonald, then Minister of Militia and Defence and the member for my home county of Pictou, Nova Scotia, by the Right Honourable Raoul Dandurand, one of our own senators who, in due course, became President of the League of Nations Assembly, by the Honourable Ernest Lapointe and by Dr. O. D. Skelton, the father of our Department of External Affairs, to sit with them in the Assembly of the League of Nations in Geneva. It was a very interesting meeting of the assembly because Premier Venizelos of Greece, Premier Herriot of France, Prime Minister Ramsey MacDonald of Britain, and Mr. Eduard Bénés, Foreign Minister of Czechoslovakia, were collaborating in the preparation of a treaty which was to define aggression, outlaw war and provide that through collective security assistance would be available to any country that was the victim of aggression.

This was a particularly exciting period too because it followed the greatest and bloodiest war in history and one which had been fought—so all of us were told—as the war to end all wars.

In 1924 we who were young believed this, and we felt the League of Nations would be the means whereby this promise of ending war would be fulfilled. For me, it was most interesting to be in New York a few weeks ago and to compare the Assembly of the United Nations with the Assembly of the League, and more particularly to feel the difference in the atmosphere and the attitudes of these different times and bodies. I shall come back to that a little later.

In the autumn of 1925 I went to Lyons in France to attend one of the early, perhaps the first, conference on the laws of aviation. In August, 1926 I had the privilege of joining with the other members of the staff of the International Labour office in presenting a case to the International Court of Justice at The Hague in Holland. The case had to do with the treaty or convention prohibiting night work for women and children in bakeries and bakeshops. I am glad to record that the International Labour office won the case, and won freedom from that kind of work for the women and children involved.

Hon. Senators: Hear, hear.

Hon. Mr. MacKenzie: During the period I was at the University of Toronto I helped to found the Canadian Institute of International Affairs, and I have served as an officer of that body in many capacities. I was active in the League of Nations Society and in the Institute of Pacific Relations. In 1931 I went as a Canadian delegate to a conference of the Institute of Pacific Relations held in Shanghai and Hangchow, China. At the end of the conference I went, representing the Right Honourable Vincent Massey, who was chairman of our delegation, to meet with Chiang Kai-Shek, the President of China, in Nanking, and then on to Peking where I was the guest of Chang-Hsueh-Liang, the young marshal of Manchuria.

From Peking, Mrs. MacKenzie and I and two other young Canadians went on to Mukden, which the Japanese had just captured, and en route passed through the front lines of Japanese and Chinese troops around the great wall of China. We then went on to Changchun where I was awakened in the morning by machine guns in the fields some little distance

from our hotel. We proceeded to Harbin, and there took on supplies for our trip across Siberia by train. Despite the fact that it was already winter we were comfortable and well looked after, but because of war conditions in China and Manchuria there were few passengers on the train. From Moscow we proceeded to Warsaw, which I had visited as a student, then through Berlin and the Hook of Holland to London, Southampton, and New York, and finally, just before Christmas with about ten cents in our collective pockets, we arrived back in Toronto.

In 1958, while President of the University of British Columbia, and also President of our National Committee for UNESCO, I was invited by the Canadian Government to go, as the leader of the Canadian delegation, to the General Conference of UNESCO in Paris. This too was an exciting experience in that the new buildings of UNESCO had just been completed and were being formally opened. The Canadian delegation was both a good and a large one. France itself, with de Gaulle in the wings but not yet in power, was an interesting place to be.

Following this conference, Mrs. MacKenzie and I spent a few days with our ambassador in Bonn, Mr. Escott Reid, who is now the Principal of Glendon College of York University in Toronto. This was a very happy visit, because Escott Reid was one of my first and best students at the University of Toronto. He was, as I remember it, a contemporary of Senator Grosart and Senator Walker, and I am sure they both remember him and have a high regard for him.

Returning now to the real purpose of addressing you, namely, to describe the two weeks I spent as a parliamentary observer at the Assembly of the United Nations in New York, I should like first to pay tribute to our permanent representative there, Ambassador George Ignatieff and the young men and women from the Department of External Affairs who are with him, and our representatives and alternates to the Assembly itself. They are all, in my opinion, excellent, and Canada is fortunate to be served by men and women of their ability, intelligence and education. George Ignatieff is particularly outstanding, and is probably one of the wisest and most experienced of the representatives of any nation present at the Assembly.

My colleagues, the other five parliamentary observers, were all good. They took their responsibilities seriously, and were in attendance every day at the committees of the Assembly or the plenary sessions of that body.

One of the first things that impressed me about the plenary sessions and the committee meetings was the almost impossible task of getting agreement among such a large and varied group of representatives of the nations of the world.

At the present time there are, I believe, 126 members, all of whom have equal votes, although some, in terms of their populations, are by no means equal. For example, the Maldive Islands have a population of less than 100,000, and other countries with similarly limited populations, resources, and experience are represented at the United Nations. In many respects it is absurd that countries as small as these should be regular members of the United Nations on a basis of equality with the great powers, such as the U.S.A. and the U.S.S.R., or with India which has a population of 440 million people. This situation is further complicated by the fact that there are now some 42 African states, some 25 Asian States, and some 24 Latin American states which are members.

If these groups combine, as they frequently do, they can completely out-vote and override the representatives of the western nations. If one adds the further complication of the communist bloc and of mainland China, which is not represented at all, one begins to wonder whether there is any place or security for a country like Canada, or, for that matter, any member of the Western bloc, save perhaps the U.S.A.

However, it is important and valuable to have a forum in which the representatives of all these nations can express their opinions, present their problems, and inform and educate each other about themselves and their people. In addition, when practical matters rather than political issues are being considered, sensible and important results are frequently achieved.

Then too the world we live in is one in which realities must be recognized. One of these realities is the power of such countries as the U.S.A. and the U.S.S.R. This is recognized in the United Nations through the Security Council, which is a relatively small body with only fifteen members, five of which—the U.S.S.R., the U.S.A., Great Britain, France and Taiwan—are permanent. The other ten members are elected, and they represent, or so it is hoped and planned, the rest of the world according to the groups or

origins to which they belong. This small but powerful body is further strengthened by the fact that any of the great powers—that is, any one of the permanent members—may veto any proposal or decision of the Council itself.

There were not many plenary sessions of the Assembly while we were in New York, but the Assembly did deal with some interesting and important questions in its plenary sessions, including the decision to refuse again admission to the United Nations of Mainland China, which incidentally, in my opinion, was a mistake.

There was also an effort to deal with the problem of the former colony of German South-West Africa, which has been under the control and jurisdiction of South Africa ever since 1919, the end of World War I. The nations of Africa are most insistent that this territory be removed from the control of South Africa and established as a separate and independent nation. With a view to achieving this, the United Nations, on their insistence, a year or more ago appointed a council and a commissioner to govern the territory, but South Africa has refused to recognize this council or to allow the council or the commissioner to enter South-West Africa. In the meantime, the African members have tried to have the name of the area changed to Namibia and the United Nations will probably go along with this.

I spent some time in each of the six committees but gave most attention to the work of the sixth committee, which was concerned with the definition of "aggression", and so within the general area of international law. This definition of "aggression" would, if agreed upon, justify intervention by the United Nations and the use of collective force against aggression, as was done in Korea in the early 1950s. Little if any progress was made in this committee, and I was reminded of the fact that in 1924, when I was present in the Assembly of the League of Nations in Geneva, the representatives there were discussing the same problem in very much the same terms and with very much the same results.

However, other committees were dealing with less controversial and more practical questions. One, for instance, was discussing a matter which is in the headlines in Canada at the present time, namely, the extent and the nature of ownership and control of the bed of the ocean, particularly those areas adjacent to the shores that are known as the Continental Shelf. It is my guess that in addition to the claims now being voiced by our provincial and federal governments we will find other countries throughout the world laying claim to a share in any resources or wealth that may lie outside the territorial waters of any nation, as they do now in respect of fishing and fisheries.

Another committee was discussing the uses of the resources of the oceans outside the Continental Shelf for the common benefit of all peoples, and there seemed to be some hope that sensible and generous agreements would be reached about this. These two matters are of special interest and concern to Canada, because we have the greatest extent of coastline of any country in the world, and we must and should be represented on any international bodies set up to deal with this important matter in these important areas.

The two committees which were dealing with the plight of the Palestinian refugees gave perhaps the best evidence of how difficult it is to solve the problems of the nations, even through and under the good offices of the United Nations itself. There are no doubts whatever about the unhappy condition of these refugees, nor about the desire of many nations, including Canada, to help them, but there seemed to an observer like myself no evidence whatever that either the Arab nations or Israel are willing to budge an inch from the stand they have taken. Unless these nations show some willingness to negotiate a settlement of their problems there is not much that the rest of us can do. This situation is further complicated and rendered more dangerous by the fact that the U.S.S.R. and the U.S.A. are on opposing sides, the U.S.S.R. supporting, aiding and arming the Arabs, and the U.S.A. determined that Israel will not be destroyed.

Nigeria and the African states have refused to allow the tragic war in Nigeria to be considered by the United Nations on the grounds that it is a civil war and therefore a domestic matter outside the jurisdiction of the United Nations. However, we observers did get a very interesting, up-to-date and full briefing on this problem by our ambassador, Mr. Ignatieff, and I have no doubt about the great difficulties that confront Canada or any other country in trying to provide effective aid for the starving peoples of Biafra. Here too we are told that international power politics bedevil the situation, with the U.S.S.R. pro-

viding extensive assistance to Nigeria and France, I gather, through some of the former French colonies in Africa making arms available to the Biafrans. In that connection, while the topic, as I have stated, was held to be outside the jurisdiction of the United Nations, the secretariat did prepare an interesting report, a copy of which I have here, on the humanitarian aspects of the problems of Nigeria and the war there.

In another committee the delegate of Spain made a strong claim that the British should give up Gibraltar and hand it over to Spain. He tried to refute and deny the validity of the plebiscite that was taken in Gibraltar which resulted in the unanimous vote to remain within the British Commonwealth. The Spanish delegate rejected this, claiming that the territory should be handed over to Spain because the present inhabitants of Gibraltar are not in his opinion indigenous inhabitants but have come there during the past 300 years. Unless my information is incorrect, I seem to remember that the Rock of Gibraltar was originally occupied and peopled by apes. The delegate from the United Kingdom took a very dim view of the Spanish claim and stated emphatically and flatly that the United Kingdom would not hand over the inhabitants or Gibraltar to Spain. Since I left New York this committee, as reported in the press yesterday, passed a resolution calling upon Britain to give up Gibraltar to Spain before the end of 1969, and I have noted that those voting for this motion were nearly all African, Asian and South American nations, and none from the western bloc.

Another committee, in which we were represented by Mr. Bruce Rankin, our ambassador in Venezuela, was dealing with the scarcity of edible proteins in many of the developing nations of Africa, Asia and Latin America. This is particularly serious for children, and one report expresses the opinion that if sufficient edible proteins were not made available to these countries more than 300 million children would suffer seriously as a result of this and would never grow into healthy men and women as they should, or make the contribution to their countries and their nations that these countries and the world need. The problem is complicated by the fact that people, particularly infants and small children, will not eat strange foods or foods that are unattractive to them because of their flavour or content.

The United States delegate, Mr. Arthur Goldshmidt, created some amusement and made a lasting impression on the members of the committee by presenting to them attractive looking and tasty cookies which after they had been eaten and enjoyed he explained were made out of fish meal and had a high protein content. Incidentally, the representative of the U.S.S.R. declined the opportunity of sampling these cookies.

The United States also, I believe, has developed a soft drink that is popular in Latin America, relatively inexpensive and which is very high in protein content.

Our Canadian delegate, Mr. Rankin, along with a number of other representatives of nations sponsored a sound and constructive recommendation in respect of this matter. But this was fouled up by the representative of another nation, India, who wanted to create a new organization to deal with the whole question of edible proteins. Our delegation and many of the others seemed to feel that this was unnecessary, and would only further complicate the work of the United Nations and add unnecessarily to its expense.

When I left New York the members of this committee were still arguing about procedural matters and were not making much progress in respect of the very important matter before it.

I was interested and pleased to find in the mail the other day a publication from the University of Saskatchewan which states that one of their professors, Dr. Gibson, has come up with a development of very high protein stock feeds for livestock and poultry. It is through our laboratories, universities and research work that we are likely to achieve some progress in this field.

Another interesting and important matter being discussed in one of the committees had to do with what is loosely described as the "brain drain." It is a fact that the United States and to a lesser extent Canada, and some of the other western nations, are attracting and keeping many of the highly trained and highly educated citizens of other nations, especially the underdeveloped nations where they are most needed.

An extremely thorough report with many interesting statistics was prepared by the Secretariat of the United Nations. This will provide interesting reading for any members of this chamber who are concerned about this matter. I have a copy of that report here on my desk.

Another committee, in which General Burns represented Canada, dealt with disarmament, and more particularly with the draft treaty designed to prevent the proliferation of nuclear weapons. Here it seems that for the first time the United States and the U.S.S.R. have agreed in principle, though for domestic political reasons and because of the Soviet invasion of Czechoslovakia in August last, the United States is withholding formal approval of this treaty. This delay may well be unfortunate because it may endanger the whole treaty. In the meantime other nations which do not have nuclear weapons are increasing their demands for guarantees of assistance and protection, and some of these nations, if this matter is delayed too long, may very well follow the example of France and China and develop nuclear armament programs of their own.

In the third committee our representative was a very intelligent and attractive woman, Sister Ghislaine Roquet, who is professor and head of the Department of Philosophy of Basile Moreau College in Montreal. I was particularly impressed by her ability and her extremely happy and pleasant manner. In her committee they were dealing with the world social situation and in particular the program of the International Year for Human Rights which happens to be this year, 1968. As some of the members of the Senate will remember, a most impressive conference on human rights was held here in Ottawa a short time ago. It was addressed by our Prime Minister and by a number of other distinguished individuals. Sister Roquet came up from New York for this conference and again made a most useful and interesting contribution.

As honourable senators will appreciate I could go on and I am tempted to go on at great length about other interesting and important problems and about the work being done by the United Nations and the interesting debates and discussions taking place there. But the Senate has other important matters to deal with and I do not want to prolong this speech unduly. However, before I conclude I do want to do two things. The first is to read to you one or two quotations that are relevant to this whole question—the first of these from an address given recently by our ambassador, Mr. George Ignatieff, and I quote:

> These days we find our nerve ends titillated or depressed by a daily presentation of calamities, crises and predictions of doom from which none of us is exempt because they not only appear in the newspapers but are brought into our living rooms by radio and television. In the midst of this daily cavalcade of melancholy international events, I believe that we are apt to miss the significance of that most historic drama of our times—the struggle for a humane, rational and peaceful world order to be turned out of the chaos of war-making national sovereignties which we inherited from preceding centuries, and which have been rendered obsolete by the sweep of revolutionary developments in modern technology. Some of us find it even now difficult to realize what technology has done to the modern world. It has not only interlaced the whole globe with an increasingly rapid communications network by jet aircraft, radio and electronic devices, but it has also armed nations with such weapons of mass destruction that they do not even dare to use them, relying on their mere threat as a deterrent by what is known euphemistically as the balance of terror.
>
> This is the drama and the challenge of our age. The United Nations which was created out of the ruins of the League—that noble experiment in international organization created after the First World War—was intended primarily for the maintenance of international peace and security. Its structure, however, was based on the then prevailing doctrine of respect for the sovereign rights of every independent nation. From this traditional view flows the main limitations of the United Nations today. Yet the world organization, perhaps more than ever, represents the imperishable hope of man and his aspirations for peace based on human brotherhood and respect for the dignity of man, irrespective of differences of nationality, religion or colour. It is natural that the United Nations should be the centre of the hopes of all men of good will, because this world organization is based on the recognition that international relations in the jet-nuclear-electronic age, in this small and crowded planet must ultimately be, through a world organization, directed to developing a world order. It is based on a recognition that the problems of peace and security, of ignorance, hunger, disease, human misery, degradation and racial discrimination cannot be resolved within the

confines of separate national sovereignties, but must be grappled with on a universal scale.

Then, a little later, quoting the late Adlai Stevenson:

> "We travel together, passengers on a little space ship, dependent on its vulnerable reserves of air and soil: all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and I will say, the love we give our fragile craft. We cannot maintain it half fortunate, half miserable, half confident, half despairing...No craft, no crew can travel safely with such vast contradictions. On their resolution depends the survival of us all."

Then Mr. Ignatieff concludes:

> Canadians demonstrated in our Centennial Year, that we stand in the van of the arts, sciences and technology, all of which are essential in the modern process of communications and therefore stand at the heart of modern international relations. It is the United Nations above all other organizations which offers a world forum before which is projected the image of a new Canada grappling with its problems of a pluralistic, bilingual and bilcultural society, an image which gives Canadians an advantage over many other peoples in communicating with other nations. Communication is not only the art of speech or of music and technology—it is also the art of fellowship, of giving a helping hand to those in distress in the interests of greater understanding, justice and harmony.

Honourable senators, I turn now to another very different point of view. It is a report which appeared in the Toronto *Star* on Saturday last, written by William R. Frye from the United Nations, as follows:

> The 23rd UN General Assembly, which is due to adjourn this coming week, has struck a new low, both in American influence and in constructive achievement. It has saddened UN supporters and has critics saying "We told you so".
>
> The "Parliament of the World," as the assembly is sometimes called, has been bogged down in petty and short-sighted wrangling on peripheral issues, its overall effectiveness hobbled by political cowardice and lack of perspective.
>
> The assembly did not have the courage to deal head on with Czechoslovakia. It dodged Biafra, and continued to have no role in Viet Nam.
>
> Its disarmament debates were largely ritualistic, except for a deplorable small-power effort to sabotage the nuclear non-proliferation treaty.
>
> The most substantial contribution the 1968 assembly made to world peace may well have been its decision not to hold a debate on the Middle East, a debate which could only have inflamed passions and made mediation efforts still more difficult.
>
> To be sure, no great and dramatic damage was done to the fabric of world society, nor was the UN itself torn asunder by explosive quarrels. The assembly's shortcomings were for the most part sins of omission rather than commission.
>
> But it can be a serious matter to stand aside when action is required.

I have just a few further things to say about the United Nations, along the line of what Mr. Ignatieff said, in terms of its real importance and its real value; but, with your permission, I will leave those for the record.

Honourable senators, in concluding this part of my address I would like to draw attention to the drafts of statements made in the Assembly, in the plenary sessions and in the various committees, by our representatives, while I was in New York. I do this by way of evidence of the excellent and sensible contributions that Canada and the representatives of Canada are making in the Assembly on our behalf. May I in particular ask the Senate for permission for the publication as an appendix of part of a page from the New York *Times* of November 21, 1968. It lists the present members of the United Nations, the officers of the Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the Secretariat and the specialized agencies.

Honourable senators, having dealt at some length with the United Nations and with my visit to it some weeks ago, I would with your permission make a few remarks of a personal kind. As most of you know, on the 5th of January next, I will be 75 years old. I will be the first casualty—the first victim, if you like—of the legislation which was passed before I arrived here. Needless to say, I will be sorry to leave the Senate, but I believe

this legislation and this regulation requiring retirement at the age of 75 years is good and wise, and I support it wholeheartedly.

I have found the three years I have spent with the Senate very interesting and worthwhile. I had many good friends in the Senate before I came here and since coming I have found a warm welcome and have made many new friends, so I feel it no exaggeration to say that I can count every member of the Senate a friend whose companionship I will miss when I return to British Columbia in January.

The Senate, too, has provided me with many opportunities for sharing in interesting work and in making possible many new contacts with individuals and organizations here in Ottawa and throughout Canada.

I had no ambitions when coming here to reform the Senate, though changes may be desirable or necessary. But on the basis of my own experience and my own study of the work of the Senate in other years, I am convinced as Senator Grattan O'Leary and many others have eloquently stated, that the Senate is important and does valuable work. I am certain that Canada will suffer a serious loss if the Senate is abolished.

Years ago when I was a young professor of Constitutional Law at the University of Toronto, I gave a paper on the Constitution of Canada, to an important political conference—one of those political summer schools that were in vogue in 1933. In that paper I set out some of my ideas about amendments to our Constitution and about the reform of the Senate. If it is in order, I would be glad to have relative sections of that paper, or the whole brief itself, appear as an appendix in our *Hansard*.

When I retire, if the opportunity offers, as I am sure it will, I will speak on appropriate occasions about the Senate and about any changes that may be proposed in respect of it. At the present time, however, I have two or three proposals of a practical nature which are internal to the Senate. These I would leave with you for your consideration, and, in doing so, you will realize that they have no bearing upon me personally because I will not be affected by them.

The first is that, if it is physically possible, the Senate should meet within relatively firm dates. For example, it might meet from September 15 to December 20; from January 15 to March 15; from April 15 to June 15. I realize that changes will have to be made in respect of any timetable, but a timetable will be valuable nevertheless.

The second matter is that I feel strongly that the members of the Senate should be frequent visitors to the areas and the provinces they represent and should visit these areas and provinces at least twice each month. In this way we could overcome in part at least the claim that the provinces are not represented effectively in the Senate.

Now, this is not difficult and it may not be particularly important for those of you who live in Ontario and Quebec, but to those who live in the Atlantic provinces or in the prairies or in British Columbia, it is in my opinion very important. I am frequently told in British Columbia that the majority of the people there are not particularly interested in Ottawa or in what goes on in the House of Commons or in the Senate because they feel that Ottawa is so self-centred and so concerned with its own affairs that it has little time to give and little influence upon the lives of ordinary people in British Columbia. I believe that more frequent contacts with the members of the Senate and of the House of Commons would help to create an understanding of Parliament and of what the Senate and the House of Commons are doing. It would also help to make ordinary citizens in these areas feel that they should be more interested in and more involved with Parliament and the Government of Canada.

If these visits are to be made, then the organization of our weekend work should be made reasonably definite. For instance, if a British Columbia senator can leave late Thursday afternoon, he can spend one business day, Friday, and two other days, Saturday and Sunday, in that province and still arrive back in time for the meeting of the Senate Monday evening.

On another matter, because of the distance and time involved, those who reside at least 800 miles or more distant from Ottawa should be provided with first-class fares on airplanes. Most of those who come from British Columbia do travel first class, but at their own expense, in view of the fact that to return to Ottawa from British Columbia one must leave home about 7.30 in the morning and not arrive at Ottawa until after 7 that evening, Ottawa time. All of you will appreciate that this is a long and exhausting trip and, if it can be made more comfortable and one in which some work can be done, it will

be a great advantage and well worth the expense involved.

One other matter that applies to most of the members of the Senate, and will apply increasingly if they are to have more committee work, is that senators should and must have more secretarial assistance. At the present time I share one secretary with four other senators. While this secretary is most obliging and does her best, it is quite impossible to expect her to do the work that we require. If we are to look after our work in the Senate itself and in our committees and keep up with our correspondence and spend any time with those who ask for appointments, we should and must have in the Senate more secretarial assistance, if we are to be efficient and do effective work.

Again, may I say that none of this affects me personally. As I said a moment ago, knowing that my time in the Senate would be brief and knowing it would be presumptuous and out of place for me to attempt to play anything but a minor role in the Senate, I have limited myself to attendance at the committees to which I was appointed and others in which I was interested; and to a few interventions in the Senate itself about matters which are of particular interest and concern to me.

So, in conclusion, honourable senators, I would like to say again how much I have enjoyed the all too brief years that I have spent with you. I count myself most fortunate to have had this experience. I will think of all of you with happy memories and you may be sure that anything I can do to support the Senate and its work I will be most happy to do. So this is, in a sense, au revoir, good luck and good-bye.

The Hon. the Speaker: I understood that during the course of his remarks, the honourable Senator MacKenzie indicated his desire to have certain documents to which he referred appear in whole, or in part, as appendixes to the *Hansard* of this day. Is it agreed?

Hon. Senators: Agreed.

For the structure of the UN 1968-69, see Appendix "A", pp. 815-817.

For Paper on "The Federal Problem and the B.N.A. Act", see Appendix "B", pp. 818-822.

Hon. David A. Croll: Honourable senators, this has been a memorable moment in the history of the Senate. We have just heard a very interesting speech by Senator Norman MacKenzie who came to Parliament and more specifically to the Senate late in life—much too late. He was then embarking on his second career.

As he told you, on January 5 he will reach that magic 75th birthday. That will be the date of his retirement from the Senate. He will leave as he came: with honour and dignity. For the short time that he has been with us, we have had in our midst a most extraordinary Canadian who was born to public service. He is a total Canadian. He touched much of Canada and rubbed shoulders with many in Canada. A little of Canada was better where he was. He has enriched the Senate.

He is one of our greatest living educationists. He is gifted, intelligent, broad in knowledge and understanding, a valued friend and a good companion. The most tolerant of men, he is intolerant of intolerance.

I think I speak for the Senate when I say to him that as he, one of our most distinguished alumni, leaves this political Valhalla he does so to embark upon yet a third career. Good luck, good friend, and good voyage!

Hon. John J. Connolly: Honourable senators, I had the honour to be the Leader of the Senate most of the years—the all too few years—that Senator MacKenzie has been with us. I do not think I can varnish the language that Senator Croll has just used, because it does express the sentiments of all of us here. Senator MacKenzie's career both as a public servant and as a private member of this organization, short though it was, has given honour to this place. Indeed, all of us will feel honoured to be able to say that we sat here with him.

The Senate is as good as the people who inhabit it and work here, and the work that he has done, the distinction that he has brought to our deliberations both in committee and in the chamber have indeed enhanced the prestige of this house. If there is one time when I really feel sorry about the retirement age being stipulated by statute, it is now. To Mrs. MacKenzie as well as to Senator MacKenzie we are all extremely indebted, and at their going we all feel extremely sad.

Hon. Paul Martin: Honourable senators, I rise not to begin a practice but to emulate briefly the initiative taken by Senator Croll and concurred in by Senator Connolly (Ottawa West). I also had expected to say a word

about the event which Senator MacKenzie himself has brought to our attention—his retirement from this house—because of my association as a student when he was professor at the University of Toronto, an association that goes back over 30 years.

He has been kind enough to refer to me in complimentary terms. I say to him that his life has greatly influenced my own. We attended the same universities for the most part. The post-graduate work I did at Harvard Law School and at Cambridge was largely influenced so far as the selection of these places of research are concerned as a result of his own previous experience. When I first went to Geneva to visit the League of Nations and take part in some of its operations, I was influenced too by the fact that Professor Larry MacKenzie, Professor of International Law at the University of Toronto, had spent some time in Geneva.

There are many hundreds of men who have contributed to the development of foreign policy in Canada who owe a great deal to Senator MacKenzie for what he did as Professor of International Law, and for his efforts in the establishment of the Canadian Institute of International Affairs.

His life is by no means over; it is just beginning. A new chapter is about to be written. But so far it has been a very interesting book wherein up to now we find a record of achievement in university work, in public service, and, as President of the University of British Columbia, followed by a series of accomplishments in the educational field. It is my hope that future appointments to this house will be of the calibre of the appointment of the gentleman whose term is now about to come to an end. I am sure that in the person of Senator MacKenzie we see the best opportunity we have for making this place the effective body we want it to become. Appointments such as that of Senator MacKenzie are a credit to the country and to this chamber.

I want to thank Senator MacKenzie in the name of the Government of Canada for his contribution to this house and to Canada. As a senator I want to thank him for his contribution to the Senate, and as a Canadian I want to thank him for his contribution to Canada. As a friend I want to say that his friendship has meant much; his life has been exemplary, and that too has meant a great deal.

Hon. Jacques Flynn: Honourable senators, I have three brief comments. Senator MacKenzie has given us a report on the Twenty-third Meeting of the General Assembly of the United Nations, and we are most indebted to him for this report. In this connection I have a suggestion to make. I believe that any Member of Parliament who wishes to do so should be allowed to attend as an observer at a meeting of the United Nations. I think one week might be sufficient to give him some knowledge of the procedures and the meaning of the United Nations.

Hon. Mr. Croll: It would just give him time enough to find out where to hang his hat.

Hon. Mr. Flynn: That too is important. I remember when I started practising law it was very useful to know where one should go to get a procedure stamped out. You would look ridiculous if you did not. I would suggest, and I have been discussing this with members of the other place as well, that any member who has not yet had the occasion to go to the United Nations should be given the opportunity to spend at least one week there as an observer.

The second comment I want to make concerns the suggestions put forward by Senator MacKenzie. The fourth report of the Special Committee on the Rules of the Senate is now under consideration, and the suggestions made by Senator MacKenzie in this field are germane to that report. I hope that eventually we may deal with these usages and practices which are as important as the rules themselves, and perhaps the legal and constitutional provisions governing the Senate.

The third comment, of course, is to tell Senator MacKenzie that we on the Opposition side of the Senate are very sad at the thought that he is leaving us. He could as easily have been appointed by a Conservative administration as by the Liberal administration. We accept him as a great friend. He has made a most valuable contribution to the Senate, and we are indebted to him for his contribution. As he leaves he may be assured that we shall miss him very much in the Senate, but we hope to see him around very often.

Hon. Senators: Hear, hear.

COMMITTEE OF SELECTION

APPOINTMENT

Leave having been given to revert to Notices of Motions:

Hon. A. Hamilton McDonald, with leave of the Senate, moved, seconded by Hon. Mr. Langlois:

> That pursuant to Rule 77 and in accordance with paragraph 11 of the third Report of the Special Committee of the Senate on the Rules of the Senate, which was adopted by the Senate on 19th November 1968, the following Senators, to wit: the Honourable Senators Bourget, Choquette, Flynn, Leonard, Macdonald (Cape Breton), Martin, McDonald, Smith (Queens-Shelburne) and Thorvaldson, be appointed a Committee of Selection to nominate Senators to serve on the several Standing Committees until the end of the present Parliament; and to report with all convenient speed the names of the Senators so nominated.

Motion agreed to.

APPROPRIATION BILL NO. 4, 1968

THIRD READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Langlois for the third reading of Bill C-141, for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

Hon. Gunnar S. Thorvaldson: Honourable senators, when last evening, perhaps by inadvertance, I became involved in the debate on Bill C-141, little did I know that I would follow on the Order Paper today the magnificent speech to which we have just listened by our great colleague Senator MacKenzie. I think it is one of the most illuminating addresses we have had in the Senate in a long time. Indeed, I do not think there is any organization we should hear more about than the United Nations—its workings, its aims, its problems and difficulties. I feel there has been hardly a word uttered by Senator MacKenzie with regard to the United Nations with which I cannot agree one hundred per cent. I believe that he has uttered the views of perhaps everyone here as to what could and ought to be done in the United Nations.

A few years ago I had the privilege of attending a whole session of the United Nations, and I thoroughly agree with Senator Flynn when he suggests that every Member of Parliament should have the opportunity of visiting the United Nations for a reasonable length of time.

Honourable senators, coming to Bill C-141, I adjourned the debate last evening because I thought some things were said that probably ought not to have been said and that may have resulted from misinformation or incorrect information or lack of information in the hands of Senator Croll at the time. Consequently, my remarks will not be in any sense in the form of criticism of what he said, except that I will try to indicate that there is another side to the case which was not put by Senator Croll last night.

In order that any reader of *Hansard* may know what I will be talking about, I want to quote from page 786, where Senator Croll said as follows:

> I want to direct my remarks to matters pertaining to labour, for, in terms of wages, working conditions and union security, organized labour has come a long way in Canada; so much so that it must come as a shock to realize that within a short distance of Ottawa there is a pocket of 19th century thinking with respect to the rights of workers to organize collectively.

Later on, the same page, when speaking of the Newspaper Guild in the Peterborough *Examiner,* he said:

> It was certified in May as the bargaining agency and now it is meeting with the sort of opposition that is a throwback to the dark ages of industrial feudalism. There has been a strike there since November 2 of this year.

Honourable senators, that is strong language to use in regard to what I understand to be the nature of this so-called "strike" at the Peterborough *Examiner.* Consequently, there are certain matters I would like to place on the record which result from information that I have received to date.

At the outset I would like to refer to the fact that, as Senator Croll no doubt knows, the Peterborough *Examiner* was owned for many years by the late Senator Rupert Davies and his family. Then, in April of this year this newspaper was acquired by the Thomson group.

I am informed—and Senator Croll may not be aware of this—that the working conditions applicable to the editorial staff of metropolitan newspapers are largely inappropriate to smaller papers serving rural or small communities. I am informed that the Newspaper Guild had less than a dozen contracts in the

whole of North America with papers of less than 50,000 circulation. I am told that the circulation of the Peterborough *Examiner* is approximately 16,000. Consequently, it is well under the limit of 50,000 that I have just mentioned.

I do not intend to go into the reasons why the Newspaper Guild is not a factor in or is not appropriate to such small newspapers. However, we all know that in practically all the larger industries in this country the unions are a factor and are part of the machinery of industry and business; but you do not find the corner store, or even a slightly larger business than the corner store, unionized. Is that not exactly the reason why the Newspaper Guild is not a factor in newspapers of under 50,000 circulation?

There are some other factors that I think should be stressed. Firstly, the scale of wages in effect at the time the Peterborough *Examiner* was taken over by the Thomson group was the scale established by the previous ownership under Senator Davies.

Secondly, immediately after the Thomson group took over, the Newspaper Guild moved in to organize the editorial staff and to negotiate wage scales. The scales requested included increases of over 75 per cent on a 12-month contract, which was approximately ten times the federal Government's suggested guideline.

Honourable senators, I should like to make a remark in that regard. It might be quite appropriate to ask for a 75 per cent increase in wages, but whose wages was it intended to increase? It was the wages paid by the Davies group prior to the take-over of the newspaper by the Thomson group. Perhaps the wages paid by the Davies group were much too low. I do not know. But, that was certainly not the fault of the Thomson newspaper people. As the wages were thus under negotiation it at once became illegal for the new management to introduce normal wage increases during the negotiating process.

Senator Croll charges that the Thomson company is attempting to break the union. But, in fact, at Peterborough, as at other Thomson newspapers, the company has contracts with, for example, the International Typographical Union, and the International Printers and Pressmen's Union of North America. The company has well in excess of 75 contracts in effect with unions, and it enjoys very good relationships, having little or no difficulty in contract negotiations. When I refer to the company's having 75 labour contracts I should emphasize that I am informed that that is in Canada, and the company owns about 30 papers in Canada. I would think that that is a pretty good record. I am presuming, therefore—and, in fact, I take it for granted—that there is probably not a Thomson newspaper in Canada whose employees are not represented by the International Typographical Union and the International Printers and Pressmen's Union.

Honourable senators, I am informed, and I believe, that those are the facts in regard to the Peterborough *Examiner,* and the Thomson chain of newspapers.

There is another reason I am somewhat surprised at the remarks of the honourable senator. He stated there is at present at work on the strike a task force appointed by the Government—I presume the Government of the Province of Ontario—for the purpose of making a report. We all know, of course, that newspaper unions and newspapers are subject to provincial jurisdiction and not federal jurisdiction. Hence it is most inappropriate that a strike of this kind should be under discussion in the Senate at the very time that a task force appointed by the provincial Government is working on the problem.

Honourable senators, that is really all I want to say. There was an innuendo contained in the remarks of the honourable senator as they are reported at page 787 of the *Debates of the Senate* of yesterday:

> Before we can project ourselves into new methods of dealing with labour, we should at least have learned to get along with the laws that are on the statute books at the present time.

This statement is clearly an innuendo, and it does not indicate what laws are being broken by the employers in this case. In any event, I think I was justified in adjourning this debate in order that some facts in regard to the dispute referred to could be brought before this house in reply to Senator Croll's remarks.

Motion agreed to and bill read third time, and passed.

DIVORCE

REPORTS OF COMMITTEE ADOPTED

The Senate proceeded to consideration of reports of the Standing Committee on Divorce Nos. 487 to 557, inclusive, which were presented yesterday.

On motion of Honourable Mr. Roebuck, Chairman of the Standing Committee on Divorce, reports adopted.

RESOLUTIONS PRESENTED

Leave having been given to revert to presentation of petitions:

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following resolutions:

Resolution 439, for the relief of Claude Richer.

Resolution 440, for the relief of Joseph Jean-Claude Richard.

Resolution 441, for the relief of Marie-Paule Dion Levesque.

Resolution 442, for the relief of Diane Elizabeth Sabino Nicholson.

Resolution 443, for the relief of Patricia Forget Julien.

Resolution 444, for the relief of Lynn Ellen Spencer Johnson.

Resolution 445, for the relief of Emery Demers.

Resolution 446, for the relief of Lise Ballard Ouellette.

Resolution 447, for the relief of Raymond Barrington Stanley.

Resolution 448, for the relief of Marcel Berichon.

Resolution 449, for the relief of Roland Joseph Roger Turgeon.

Resolution 450, for the relief of Eugenia Christina Jakubas Slomczewski.

Resolution 451, for the relief of Joseph Wellie (Willie) Jean Bernard Lafreniere.

Resolution 452, for the relief of Françoise Lapointe Lafreniere.

Resolution 453, for the relief of John Gerald Kelly.

Resolution 454, for the relief of Joseph Edmond Guy Pierre Laberge.

Resolution 455, for the relief of Charles Duncan Carroll.

Resolution 456, for the relief of Marie Reine Suzanne Michelle Dionne Latraverse.

Resolution 457, for the relief of Becky Rawas Serebecbere.

Resolution 458, for the relief of Joan Elizabeth Best Beaudoin, otherwise known as Joan Elizabeth Best Jolley.

Resolution 459, for the relief of Joan Catherine Langevin Pilon.

Resolution 460, for the relief of Nancy Evelyn Wayman McConnell.

Resolution 461, for the relief of Rhona Mary Deere Glenn, otherwise known as Rhona Mary Deere Glen.

Resolution 462, for the relief of Duncan McDougall Laird.

Resolution 463, for the relief of Kenneth Clarke Grey.

Resolution 464, for the relief of Dale Ernest Prior.

Resolution 465, for the relief of Wayne Melvin Young.

Resolution 466, for the relief of Nicole Gasse St. Jean.

Resolution 467, for the relief of Charles Arthur Pedley.

Resolution 468, for the relief of Jogues Girard.

Resolution 469, for the relief of Ethel Elchitz Arlinsky Stoller.

Resolution 470, for the relief of Milton Robert Rosenfeld.

Resolution 471, for the relief of Raymond Legault.

Resolution 472, for the relief of Tamara Givot Duffus.

Resolution 473, for the relief of Jennifer Jane Sutherland Hurst Lloyd.

Resolution 474, for the relief of Audrey Helen Inverarity Smith Shackell.

Resolution 475, for the relief of Adèle Goldstein Leibovitch.

Resolution 476, for the relief of Ghislaine Mathieu Giroux.

Resolution 477, for the relief of Joanne Margaret Helen Webster Sheard.

Resolution 478, for the relief of Alison Anne Cuthbert Hodge.

Resolution 479, for the relief of Jacqueline Doris Simonsen Doyle.

Resolution 480, for the relief of Eugène Thériault.

Resolution 481, for the relief of Jean Yves Dion.

Resolution 482, for the relief of Christiane Ranger Chouinard.

Resolution 483, for the relief of Susan Linda Desrosiers Vasnevsky.

Resolution 484, for the relief of Jeanne Leccisi Leguina.

Resolution 485, for the relief of Gloria Anne Telford Allaston.

Resolution 486, for the relief of Johannes Boode.

Resolution 487, for the relief of Sarah Elizabeth McAlpine Taylor.

Resolution 488, for the relief of Francine Dumouchel Beausejour.

Resolution 489, for the relief of Lincoln William Olson.

Resolution 490, for the relief of Doris Deanna Watson Kuipers.

Resolution 491, for the relief of Doris Teodine Johnson Oneson.

Resolution 492, for the relief of Guy Scott.

Resolution 493, for the relief of Michele Louise Gertrude Rivard Stevens.

Resolution 494, for the relief of Eugenia Humchak (Humchack) Zagurak.

Resolution 495, for the relief of Marie Rita Therese Deschamps Pare Briscoe.

Resolution 496, for the relief of Eileen Mary Morrissey Richardson.

Resolution 497, for the relief of Mildred Helen Page Page.

Resolution 498, for the relief of Fernande Marsolais Morin.

Resolution 499, for the relief of Asteropi Sotiriou Hatzipetrou Gerogiannis Laskaris.

Resolution 500, for the relief of Marie Denise Lisette Leroux Holmes.

Resolution 501, for the relief of Maria Mak Kramer Papp.

The Hon. the Speaker: Honourable senators, when shall these resolutions be taken into consideration?

Hon. Mr. Roebuck: Honourable senators, with leave of the Senate, I move that these resolutions be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

PRIVATE BILL

GILLESPIE MORTGAGE CORPORATION— SECOND READING

Hon. J. Campbell Haig, for Hon. Mr. Beaubien (Bedford), moved the second reading of Bill S-22, respecting Gillespie Mortgage Corporation.

He said: Honourable senators, on behalf of Senator Beaubien (Bedford) I wish to make the following statement. This bill has only one purpose, and that is to change the name of Gillespie Mortgage Corporation to City Home Mortgage and Savings Corporation and, in French, to Habitat Urbain, Société d'Hypothèques et d'Épargne.

Gillespie Mortgage Corporation was incorporated in 1955. It is a loan company, subject to the provisions of the Loan Companies Act. It was operated by Mr. Harry Arthur Gillespie until 1967. In 1967 Mr. Gillespie sold the company to another corporation by the name of Home and Dominion Investments of Canada Limited.

Under the terms of the agreement for the sale of the shares of the Gillespie Company, the purchaser was required to take appropriate steps to change the name of Gillespie Mortgage Corporation to something else, as "Gillespie" was the personal name of the former owner and he wished to continue to use his name in connection with other activities. That is the reason for the present bill to change the name of the corporation to City Home Mortgage and Savings Corporation, and, in French, to Habitat Urbain, Société d'Hypothèques et d'Épargne.

If this bill receives second reading, I am prepared to move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Croll: I will only vote for the English part. Your French is atrocious!

Hon. Mr. Haig: Well, honourable senators, the French is in my notes but I did not have a chance to practise my pronunciation. That is the reason for the sloppiness of my French translation.

Motion agreed to and bill read second time.

SUSPENSION OF RULE 117

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Haig: I move, with leave of the Senate, that it be read a third time tomorrow.

Hon. Mr. Flynn: Mr. Speaker, we will have to have unanimous consent to waive Rule 117 before this motion can be put. I move, with leave of the Senate, that we suspend Rule 117 with respect to this bill.

Motion agreed to.

The Hon. the Speaker: Now, when shall this bill be read the third time?

Hon. Mr. Haig: With leave, next sitting.

Motion agreed to.

NATO

CANADA'S PARTICIPATION—FURTHER INQUIRY ANSWERED

Hon. Paul Martin: Honourable senators, I wonder if I may refer to another matter. I meant to give on earlier promised reply to Senator Grosart. On November 19 I answered some questions which he had put. He had asked me whether I could agree to table a paper on the roles of the fighter bomber in allied command in Europe, and I told him, as reported at page 550 of *Hansard*, that I did not believe such a document could be made public, but that I would reserve my answer. I now wish to confirm the view that this document is classified.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX "A"

(*See p. 808*)

UNITED NATIONS

TWENTY-THIRD SESSION OF GENERAL ASSEMBLY

U.N. STRUCTURE FOR 1968-69

UNITED NATIONS, N.Y., Nov. 20—Following is a listing of the members of the United Nations for 1968-69, with officers, committees, specialized agencies and other bodies:

THE GENERAL ASSEMBLY

126 Members

Afghanistan
Albania
Algeria
Argentina
Australia
Austria
Barbados
Belgium
Bolivia
Botswana
Brazil
Britain
Bulgaria
Burma
Burundi
Byelorussia
Cambodia
Cameroon
Canada
Central African Republic
Ceylon
Chad
Chile
China
Colombia
Congo (Brazzaville)
Congo (Kinshasa)
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dahomey
Denmark
Dominican Republic
Ecuador
Equatorial Guinea (1)
Ethiopia
Finland
France
Gabon
Gambia
Ghana
Greece
Guatemala
Guinea
Guyana
Haiti
Honduras
Hungary
Iceland
India
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Ivory Coast
Jamaica
Japan
Jordan
Kenya
Kuwait
Laos
Lebanon
Lesotho
Liberia
Libya
Luxembourg
Madagascar
Malawi
Malaysia
Maldive Islands
Mali
Malta
Mauritania
Mauritius (2)
Mexico
Mongolia
Morocco
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Rumania
Rwanda
Salvador
Saudi Arabia
Senegal
Sierra Leone
Singapore
Somalia
South Africa
Southern Yemen (3)
Soviet Union
Spain
Sudan
Swaziland (4)
Sweden
Syria
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
United Arab Republic
United States
Upper Volta
Uruguay
Venezuela
Yemen
Yugoslavia
Zambia

(1) Admitted Nov. 12, 1968
(2) Admitted April 24, 1968
(3) Admitted Dec. 14, 1967
(4) Admitted Sept. 24, 1968

President

Emilio Arenales of Guatemala

Vice Presidents

Sir Leslie Glass, Britain; Milko Tarabanov, Bulgaria; George Ignatieff, Canada; Liu Chieh, China; Armand Bérard, France; Diallo Alpha Abdoulaye, Guinea; Sir John Carter, Guyana; Mehdi Vakil, Iran; Souheil Chammas, Lebanon; Abdallahi Ould Daddah, Mauritania; Luis Alvarado, Peru; Salvador P. Lopez, Philippines; Yakov A. Malik, Soviet Union; Sverker C. Astrom, Sweden; Alexander J. Ohin, Togo; Otema Allimadi, Uganda; William Buffum, United States.

Committee

General—Composed of the President of the Assembly, the Vice-Presidents, who are the heads of the delegations of countries elected

to Vice-Presidencies, and the committee chairmen listed below.

1. Political and Security
Piero Vinci, Italy
Special Political Committee
Abdulrahim Abby Farah, Somalia

2. Economic and Financial
Richard Maximilian Akwei, Ghana

3. Social, Humanitarian and Cultural
Erik Nettle, Austria

4. Trust and Non-Self-Governing Territories
Patrick V. J. Solomon, Trinidad and Tobago

5. Administrative and Budgetary
G. G. Chernushchenko, Byelorussia

6. Legal
K. Krishna Rao, India

THE SECURITY COUNCIL FOR 1969

15 Members

Algeria (until 1969)
Britain (permanent)
China (permanent)
* Colombia (until 1970)
* Finland (until 1970)
France (permanent)
Hungary (until 1969)
* Nepal (until 1970)
Pakistan (until 1969)
Paraguay (until 1969)
Senegal (until 1969)
Soviet Union (permanent)
* Spain (until 1970)
United States (permanent)
* Zambia (until 1970)

* To replace Brazil, Canada, Denmark, Ethiopia and India, whose terms expire Dec. 31, 1968.

ECONOMIC AND SOCIAL COUNCIL

President
Manuel Pérez Guerrero of Venezuela
(term expires Dec. 31, 1968)

27 Members

Argentina (until 1970)
Belgium (until 1969)
*Britain (until 1971)
Bulgaria (until 1970)
Chad (until 1970)
Congo (Brazzaville) (until 1970)
France (until 1969)
Guatemala (until 1969)
India (until 1970)
Ireland (until 1970)
†Jamaica (until 1971)
Japan (until 1970)
Kuwait (until 1969)
Libya (until 1969)
Mexico (until 1969)
†Norway (until 1971)
†Pakistan (until 1971)
Sierra Leone (until 1969)
*Soviet Union (until 1971)
†Sudan (until 1971)
Tanzania (until 1969)
Turkey (until 1969)
United States (until 1970)
Upper Volta (until 1970)
†Uruguay (until 1971)
†Yugoslavia (until 1971)
One member to be elected later

*Re-elected.

†To replace Czechoslovakia, Iran, Morocco, Panama, the Philippines, Sweden and Venezuela, whose terms expire Dec. 31, 1968.

TRUSTEESHIP COUNCIL

Members

*Australia
*Britain
†China
†France
Liberia
†Soviet Union
*United States

*Administering power.

†Permanent members of Security Council not administering trust territory.

THE INTERNATIONAL COURT OF JUSTICE

President
José Louis Bustamente y Rivero of Peru
(term expires 1970)

Members

Fouad Ammoun, Lebanon (1976)
César Bengzon, Philippines (1976)
Sir Gerald Fitzmaurice, Britain (1973)
Isaac Forster, Senegal (1973)
André Gros, France (1973)
Philip C. Jessup, United States (1970)
V. M. Koretsky, Soviet Union (1970)
Manfred Lachs, Poland (1976)
Gaetano Morelli, Italy (1970)
Charles D. Onyeama, Nigeria (1976)
Luis Padilla Nervo, Mexico (1973)
Sture Petran, Sweden (1976)
Kotaro Tanaka, Japan (1970)
Muhammad Zafrulla Khan, Pakistan (1973)

All terms expire on Feb. 5 of the year designated.

THE SECRETARIAT

Secretary General—U Thant
(term expires Dec. 31, 1971)

THE SPECIALIZED AGENCIES

Food and Agriculture Organization; International Bank for Reconstruction and Development: International Civil Aviation Organization; International Development Association; International Finance Corporation; International Labor Organization; Intergovernmental Maritime Consultative Organization; International Monetary Fund; International Telecommunications Union; United Nations Educational, Scientific and Cultural Organization; Universal Postal Union; World Health Organization; World Meteorological Organization; International Atomic Energy Agency.

APPENDIX "B"

(*See pp. 807-808*)

THE FEDERAL PROBLEM AND THE BRITISH NORTH AMERICA ACT

By Norman A. M. MacKenzie, B.A., LL.M.

Professor of Public and Private International Law, and Canadian Constitutional Law, University of Toronto.

Before attempting a critical examination of The British North America Act and the way in which it has functioned, it is essential that one should understand two things: (*a*) Why we in Canada have a federal form of government, which is admittedly a clumsy device, and (*b*) the views that are held by various groups and individuals regarding it, and the methods for changing it.

I have suggested that a federal form of government is a clumsy device because it divides authority, decentralizes administration and from the point of view of getting things done, rapidly and effectively, is much less desirable than a unitary system.

But efficiency and easy manipulation are not the only, nor indeed the most important considerations in a democracy, particularly a democracy like Canada, which is composed of different races and creeds and is divided by reason of geography and natural resources into half a dozen conflicting economic areas. The fact is that the choice was not, and is not between a federal system vs. a unitary system but rather whether the various provinces of Canada should unite in a dominion, or whether they should carry on indefinitely and in isolation as Newfoundland has done. While there are still those in certain of the provinces of Canada who feel that Confederation was a mistake, and while secession is by no means a dead issue, given sufficient dissatisfaction, as witness the recent agitation and action in Western Australia, I am not a secessionist and in any event that subject is not up for discussion here.

And so I suggest that if any of you at any time feel impatient because the things you want done in Canada are held up by our constitution, or if you are satisfied by inaction, you should remember that your fellow Canadians in the Maritime Provinces or on the Prairies may have very different views from your own about a great many matters. In brief, a division of powers was and is inevitable in Canada.

With regard to The British North America Act, there are two views that are commonly held. One that it is an Act of Parliament, and like any other Act, may be amended by Parliament; the other that it is a compact agreed upon by the contracting parties and that it cannot be altered without the expressed consent of all these parties.

As a lawyer and a student of history, I have no hesitation in saying that The British North America Act is not a compact, and from a legal point of view could be amended by Parliament without considering the desires of the provinces. But as a practical person I realize that in the main, laws, in a democracy, are the expression of public opinion, and as such are subject to interpretation, are liable to be ignored or even to be rejected altogether. I am aware, too, that what is legally possible is not always politically desirable. And if Mr. Ferguson and Mr. Taschereau or their successors insist, as they have done very firmly, that the B.N.A. Act is a pact and cannot be amended without their approval, and if the electors of Ontario and Quebec appear to support them in this view, it is unlikely that either Mr. Bennett or Mr. Mackenzie King, or even Mr. Woodsworth for that matter, will push the legal rights of the Dominion Parliament. The result is that the obvious legal interpretation and what seems to have been the intention of the framers of The British North America Act, is, by what is termed a constitutional convention, coming to have quite a different meaning from the original one.

With this introduction let us turn to an examination of the form and organization of government in Canada. As one might expect, the distribution of powers is wide and varied and on the whole this is a desirable and healthy practice for it places responsibility where it should be placed, on the individual and on the small group. For it seems that if a normal individual cannot organize his own affairs satisfactorily, or if a small group of normal individuals organized into a municipality cannot look after their common interests efficiently they have no right, in a democracy, at least, to expect that the larger unit, the state, or even an internationally organized

body of states, will provide them with all that they need or desire.

On the other hand, modern society has become so complex, and the needs of the individual so varied, and so difficult to satisfy, that a greater degree of co-operation and organization is essential to-day if society is to function and if the individual is to have his wants supplied than it was sixty or seventy years ago. And it is on this score that the Canadian constitution is open to criticism. Municipal organization and administration is an interesting and important study, but I do not propose to deal with it in this paper. The provinces, however, must be considered in detail, for their existence and powers constitute one of the major problems of Canadian statesmanship. There seems little doubt that the Fathers of Confederation, and Sir John A. Macdonald in particular, alarmed by the experiences of the United States of America, which in 1865 was suffering so desperately from the effects of the Civil War, aimed at, and thought they had achieved, in the B.N.A. Act a form of government which, while preserving some of the visible emblems of autonomy in the provinces, would actually be a strong centralized government with almost unlimited powers, if it seemed necessary or even desirable to exercise them. This is evident not only from the source material but from the Act itself which provides that while the provinces are supreme in their own field, and may even amend their own constitutions, the Lieutenant-Governors shall be appointed by the Central or Federal Government; the judiciary shall be appointed by the Federal Government; that any provincial Act may be disallowed by the Federal authorities and even more important, that the Federal Parliament can make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by The British North America Act assigned exclusively to the provinces. In other words, the provinces were given certain defined and restricted powers of legislation over matters of a merely local or private nature in the provinces, whereas the Dominion was given control over a wide field of defined subjects and in addition, general powers over all matters coming under peace, order and good government for Canada as a whole. Later on I propose to deal with this in some detail, but before doing so I want to complete the survey of the form and organization of government in the provinces, in the Dominion and in regard to those aspects of the Imperial power which still affect Canada. With the exception of Quebec, all of the provinces have dispensed with the services of a second chamber, and there is even a suggestion voiced in many quarters during this period of depression that the office of Lieutenant-Governor, whose salary and expenses are paid for by the provinces, should be abolished.

The Dominion Parliament, like that of Great Britain, consists of two houses, the House of Commons and the Senate. With the Commons there is no difficulty for it is directly responsible to the people who elect it and must submit its actions and views to the approval of the electorate at stated intervals. The Governor-General, too, is no impediment to rapid or radical legislation, if such is desired, for he is to all intents and purposes a figure head. Some interest and discussions have been stimulated by the suggestion that future incumbents of this office should be Canadians but apart from satisfying our national pride, and making us more Canadian than we are at present, this question has no practical importance.

The Senate, however, is another matter. It was created, in part, because a House of Lords existed in England and Second Chambers were the fashion in democracies, and in part to provide for the permanent geographical representation of different sections of Canada without regard to their numerical importance. Unlike the House of Lords, it has not been "reformed" and still has the unlimited power of veto (though not of initiation) over all federal legislation. This in conjunction with the fact that its members are, in the main, of advanced age, appointed for life by the Government in power as a reward for political services rendered, makes it potentially a real and almost insuperable obstacle to radical legislation. If I am not mistaken, the constitutional battles of the near future will be fought over the reform of the Senate and the methods of amending the B.N.A. Act. Here may I interject one or two practical suggestions, not with the view or even the hope that you should adopt them but merely to provide you with something of a controversial nature for purposes of discussion. While I am quite prepared to dispense with the Senate altogether, and to trust my fortunes to the elected representatives of the people, as we now do in Ontario, I do not expect this to come about. At the same time I suggest that the members of the Senate are individually too old, and are not representative of all

bodies of opinion in the community. My suggestion is that there should be an age limit, and as professors are presumed to have exhausted their usefulness at the age of 65, I would set that as the limit for Senators. And in order that the various parties and groups should be more adequately represented, I suggest that the Senators should not be appointed for life by the government in power but on a basis of proportionate representation for a period of, say, nine years. In detail the scheme would be somewhat as follows:

The Senate would be divided into three groups. One group retiring every three years, their places to be taken by new appointments made on the basis of votes cast for the various parties at the last federal election, and nominations to be made by the leaders of the parties represented in the House of Commons. In this way, the Senate would be composed of younger men, more representative of the views of the various parties, and because it changed on the basis of a rotation system, would be in closer touch with the various elements in the community than is the case at present. In addition, I would provide that after any bill had passed the House of Commons in two succeeding years, it should become law, regardless of the Senate's attitude toward it. This last is in line with the practice in Great Britain, and is much more in accord with democratic principles than the present system.

The amendment of the B.N.A. Act is, I suggest, the other obstacle that must be dealt with if the Canadian Constitution is to be the flexible instrument it should be to deal with the rapidly changing conditions of the modern world. During the past week you have heard a good deal about its inadequacies in the field of economics and social legislation. May I add that the inadequacies persist simply because we, the Canadian people, either want them to persist or are too lazy to change them. There are no provisions in the present Act for its amendment but being an Act of the Parliament of Great Britain, it was assumed that that Parliament could amend it at will, and in a number of minor matters it has done so. As I have pointed out, however, the convention has grown up that the provinces must all be consulted and must all give their consent before any amendment becomes law. The result is, that under the existing practice, no amendment is ever likely to be made. I sympathize with the attitude and the desire of the provinces in this regard for I know that they are jealous of their privileges of language, religion, education, etc., and are afraid that they may lose these privileges if the existing safeguards are removed. At the same time I am convinced that all of these privileges could be maintained, and The British North America Act made much more flexible and easy of amendment by the adoption of some such device as that in use in Australia. There, a few subjects of primary importance are put in a special reserved category and cannot be tampered with. The rest of the Act can be amended by much simpler procedure. My plan, then, would be to put religion, language, education, and such other matters as seemed of fundamental importance to the provinces in a separate part of the Act and state definitely that these sections could not be amended without the consent of all the interested parties or provinces. The rest of the Act I would have capable of amendment by the Canadian Parliament itself without any undue formalities.

Here it should be noted that the Statute of Westminster, which redefines the position and powers of the Dominion, expressly states that the powers conferred by the Act are restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of the provinces and does not enable the one to invade the field of the others. It also states that the powers given to the Dominion Parliament by the repeal of The Colonial Laws Validity Act shall extend to the powers of the provincial legislatures, both further indications of the jealous way in which the provinces guard their rights, often to the exclusion of the wider Dominion interest. Given these two changes, it would be possible for the elected representatives of the people to enact any legislation they chose.

The part played by the Imperial Parliament or authorities in Canadian affairs is now almost negligible and is confined to matters like the position of His Majesty as head of the state, appeals to the Privy Council, which are optional, and certain procedural technicalities in connection with treaties and trustee securities.

It is stated from time to time either that The British North America Act is perfectly satisfactory and should not be amended in any way or that it is obsolete and archaic, and that it does not permit either the Dominion or the provinces to deal satisfactorily with a great number of subjects, among them,

insurance, the control of the sale of stocks and shares, social legislation, including unemployment insurance, the settlement of industrial disputes, and in the field of external affairs, the making of treaties. That there is a real limitation upon the powers of the Federal Parliament and Government in these and other fields is unquestionable but whether changes should be made or not is decidedly a matter of opinion. Here, however, it is desirable to look at the Act itself and see just what it does provide. As pointed out above, the intention of the Fathers of Confederation was that all matters of national importance should be in the control of the Central Government. In actual practice, however, due partly to the views of the Privy Council, in a whole line of decisions and partly to the growing strength of the provinces, many matters of national importance have been held to be within the exclusive competence of the provinces. Down to the decision in Russell vs. the Queen (about 1880) the tendency was to strengthen the hands of the Dominion and in that case the Privy Council held that as the legislation in question (having to do with the prohibition of the sale of liquor) did not fall within any of the classes of subjects assigned exclusively to the provincial legislatures, it did (under the scheme of the B.N.A. Act) come within the jurisdiction of the Dominion Parliament, seemingly a logical conclusion. In addition they suggested that it might have come under the section "Trade and Commerce," which is one of the Dominion's defined fields, as was pointed out by the Chief Justice of the Supreme Court of Canada. In 1925, however, in the case of Toronto Electric Commissioners vs. Snider, Dominion legislation for the regulation of labour disputes (the Lemieux Act) which had been in force and operating satisfactorily for nearly twenty years, was held invalid. Lord Haldane, in discussing the Russell case and being hard put to it to distinguish the principles in that case from the Snider case, stated: "It appears to their Lordships that it is not now open to them to treat Russell vs. the Queen as having established the general principle that the mere fact that Dominion legislation is for the general advantage of Canada, or is such that it will meet a mere want which is felt throughout the Dominion, renders it competent if it cannot be brought within the heads specified in section 91. Unless this is so, if the subject matter falls within any of the enumerated heads in section 92, such legislation belongs exclusively to provincial competence. No doubt there may be cases arising out of some extraordinary peril to the national life of Canada, as a whole, such as the cases arising out of a war, where legislation is required of an order that passes beyond the heads of exclusive provincial competency. Such cases may be dealt with under the words at the commencement of section 91 conferring general powers in relation to peace, order and good government. Simply because such cases are not otherwise provided for—their Lordships think that the decision in Russell v. the Queen can only be supported to-day—on the assumption of the board, apparently made at the time of deciding the case of Russell v. the Queen, that the evil of intemperance at that time, amounted in Canada to one so great and so general that at least for the period it was a menace to the national life of Canada, so serious and pressing that the National Parliament was called on to intervene to protect the nation from disaster. An epidemic of pestilence might conceivably have been regarded as analogous."

This statement of Lord Haldane's, absurd as it is, gives in its most extreme form the difficulty that the Dominion Parliament experiences in legislating on matters of national importance. For section 92 of the Act, which states that "in each province the legislature may exclusively make laws in relation to (among other matters) 'property and civil rights in the province'," and "property and civil rights" has been interpreted so widely by the Privy Council, as instanced above in the Snider case, that practically every matter which is not specifically enumerated in the twenty-nine heads of section 91 (given exclusively to the Dominion) is included within it or affected by it, and so without Dominion jurisdiction.

However, in all fairness to the Act itself and to those who framed it, most of those matters essential to the national welfare are included within the twenty-nine enumerated heads. Among them are "the regulation of trade and commerce" (though here again the Privy Council have intervened in defence of provincial rights and have relegated "trade and commerce" to the limbo of forgotten things), "the raising of money by any mode or system of taxation," "navigation and shipping," "the regulation of seacoast and inland fisheries" (but not the proprietary interest in the fish themselves), "currency and coinage," "banking," and all matters associated with finance; "copyrights," "naturalization and aliens," "marriage and divorce," (but not the forms of marriage,) "the criminal law," etc. It

is only in regard to new developments brought about by a changing economic and social order that the defects in the B.N.A. Act become apparent, e.g., the whole field of social legislation, the control of radio and aviation, the development of hydro-electric power and again in the field of external affairs.

I have in my possession a thesis which I have just received from an English Colleague in Europe, some 178 pages in length, dealing with the inability of Canada to become a party to international conventions. I shall not read you that document to-day, but it is a fact that section 132 of the B.N.A. Act, which states that "the Paliament and Government of Canada shall have all the powers necessary or proper for performing the obligations of Canada or of any province thereof, as part of the British Empire, toward foreign countries, arising under treaties between the Empire and such foreign countries" does not provide for the changed international status of Canada, and despite the broad interpretation given to that section by the Privy Council in the recent Radio and Aviation Cases, it should be amended and brought into line with modern needs.

Hydro-electric development might be declared to be a work or works for the general advantage of Canada and so brought under federal control but this would undoubtedly meet with strong opposition from the provinces. At the same time the whole question of the development and particularly the export of power is of the utmost importance to the whole of Canada, as it affects our relations with the United States and should be subject to federal regulation.

Much more could be said with regard to the whole question of subsidies, of natural resources, of provincial issues which become federal issues, e.g., the question of "Maritime rights" and "the western wheat pools," but I have already said enough to provide you with some basic facts at least, and some controversial suggestions, and I prefer to leave the rest for our discussion at the end of my remarks.

In conclusion, may I say that I have attempted to give you an objective statement of the existing situation without in any way suggesting that you should accept or adopt my views on any matters of opinion or reform?

The British North America Act has on the whole been an admirable solution of the problems of a federation of British colonies in North America, and if you are satisfied with things as they are, and feel that under the existing constitution you can work out a satisfactory solution of our common problems, then there is nothing more to be said on the subject.

But might I urge that you look at the whole matter not only as loyal citizens of Toronto or Ontario with an eye to defending local and provincial rights, but that you take a larger view as Canadians of the welfare and needs of our country as a whole. Looking at it in this latter light, I must confess that I am not satisfied with the existing machinery for I consider it inadequate for our present purposes. Without surrendering any of the fundamental privileges that are so precious to the provinces, I believe it is possible and necessary to work out a method for more rapid common action in many fields of legislation and government. Provincial conferences are slow and unsatisfactory and should be superseded by other devices. The simplest of these, of course, is to give to the Dominion the temporary or permanent power to legislate in regard to any matter of national concern, save for a few excepted subjects, like education and language. If the Dominion Parliament proves too cumbersome a body for emergency action, it is quite possible for that body to delegate certain of its powers to the executive, as it has done in the past, and is doing to an increasing degree to-day.

This would require the amendment of the B.N.A. Act, but if that is desired by the people of Canada, it is a very simple matter to arrange for.

In addition, the Act should be amended so as to give the Dominion full powers in regard to the making of treaties and conventions and the enacting of the legislation necessary to carry out such treaties.

THE SENATE

Thursday, December 19, 1968

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received the following communication:

GOVERNMENT HOUSE
Ottawa
19 December 1968

Sir,

I have the honour to inform you that the Honourable Gérald Fauteux, Puisne Judge of the Supreme Court of Canada, acting as Deputy of His Excellency the Governor General, will proceed to the Senate Chamber today, the 19th December, at 5.45 p.m. for the purpose of giving Royal Assent to certain Bills.

I have the honour to be,
Sir,
Your obedient servant,
Louis-Frémont Trudeau
Brigadier General
Assistant Secretary to the Governor General.

The Honourable
The Speaker of the Senate,
Ottawa.

ANTI-DUMPING BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-146, respecting the imposition of anti-dumping duty.

Bill read first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Harry Hays moved, with leave of the Senate, that the bill be read the second time now.

He said: Honourable senators, this is a substantial bill relating to the imposition of anti-dumping duties, including provisional duties, the establishment of an anti-dumping tribunal, and certain consequential amendments to the Customs Act, the Customs Tariff, and the Tariff Board Act.

In the course of the Kennedy Round a new international code governing the application of anti-dumping duties was negotiated between the major trading nations in an effort to achieve a certain degree of uniformity in the use of anti-dumping policies and procedures. Canadian representatives participated actively in these negotiations to ensure that the code would enable the application of anti-dumping duties quickly and effectively when dumping caused or threatened injury to Canadian industry, and at the same time protect Canadian exporters against the unreasonable use of anti-dumping duties by other countries.

Other signatories to the code have been complying with these provisions since July 1, 1968, as agreed at the end of the Kennedy Round. It was not possible for Canada to meet that date, and our trading partners agreed that Canada could delay its implementation until January 1 next.

The existing anti-dumping provision, which is section 6 of the Customs Tariff, remains little changed from the original law enacted in 1904. New legislation is required for Canada to meet the terms of the anti-dumping code.

Honourable senators will recall that a White Paper on anti-dumping was tabled on December 9, and a draft anti-dumping act, designed to meet Canada's obligations under the international agreement, was included in it.

The Standing Committee on Banking and Commerce has carefully examined the draft act, together with certain amendments which were recommended by the standing committee in the other place. The bill before you is a consolidation of the draft act and these recommendations. As you know, the chairman of the Standing Committee on Banking and Commerce reported that the committee had considered these documents, and directed that Bill C-146 be adopted.

I should now like to comment briefly on the principal features of the Anti-Dumping Bill. Goods are to be considered as dumped if the normal value exceeds the export price. "Normal value" is to be taken generally as the price at which goods are sold at arm's length in the ordinary course of trade in the country of export at about the same time as the goods

are sold to the Canadian importer, adjusted for allowances to reflect price comparability between the home market sales and the sales of the Canadian importer. "Export price" is defined as an amount equal to the lesser of the exporter's sale price for the goods or the importer's purchase price for the goods established on an f.o.b. basis.

The Department of National Revenue will retain responsibility for deciding whether or not goods are dumped into Canada. They will also be responsible for making preliminary determinations of dumping and the consequent levying of provisional duties. The department's decisions regarding the margin of dumping and the category of goods involved are to be subject to appeal to the Tariff Board and, on points of law, to the Exchequer Court. These appeal provisions are analogues to the appeal provisions now set out in the Customs Act.

The most significant change required of Canadian anti-dumping legislation relates to the requirement that there must be a formal inquiry into the impact of dumping on production in Canada. An anti-dumping tribunal, to be composed of not more than five members, is to be established for this purpose. The tribunal must within three months from the date of the deputy minister's preliminary determination of dumping make a decision of injury, threat of injury, or material retardation to production in Canada.

In so far as the consequential amendments are concerned, the principal provision relates to the proposed deletion of subsection 7 of section 40(a) of the Customs Act, which provides for the establishment of arbitrary or fixed valuations for customs in respect of goods which are not dumped, but which are judged to be causing injury to Canadian producers. The bill provides that this section is to be replaced by a new provision which will achieve the same result as the present law through the use of a surtax rather than anti-dumping duties. Emergency action of this kind is contemplated under section 19 of the GATT.

In closing I would like to take this opportunity to state that in the Government's view this bill provides a comprehensive framework within which action can be taken swiftly to counteract dumping that is injurious to the Canadian producers. In the other place, honourable senators, the White Paper which was examined by our Standing Committee on Banking and Commerce, has been subjected to a detailed examination by the Standing Committee on Finance, Trade and Economic Affairs which held 22 meetings for this purpose. In the course of this study the committee heard extensive evidence from representatives of industry and government. I highly commend this bill to you.

Hon. Mr. Martin: May I ask the honourable senator how many committee meetings were held?

Hon. Mr. Hays: The Commons committee held twenty-two meetings and our Standing Committee on Banking and Commerce held three.

Hon. Jacques Flynn: Honourable senators, the problem of dumping is closely connected with the function of tariffs. Dumping can defeat the intention and purpose of any agreement on Customs Tariff. That is why the present legislation is consequential on the Kennedy Round negotiations and on the bill which was recently passed concerning the Customs Tariff. It was part of the agreement reached at the Kennedy Round that Canada should enact legislation to implement that part of the agreement concerning dumping. It was agreed also that we would implement it by legislation in order that it come into force on January 1, 1969. Consequently, it is urgent that this legislation be approved by Parliament.

Honourable senators, even if the bill comes to us at this late hour, just as we are about to adjourn for Christmas here and in the other place, it is important to put on record the fact that we have had a prior opportunity to study it. In September last, the Government published a White Paper on Anti-Dumping, together with a draft bill; and this document has been available to members of Parliament and to all interested parties since that time, that is, for over three months.

As has been mentioned by the sponsor of the bill, the House of Commons Committee on Finance, Trade and Economic Affairs held many meetings and made several suggestions to improve the draft bill. These amendments generally were not material but did much to improve the form of the bill.

Also, our own Standing Committee on Banking and Commerce has considered the White Paper, the proposed bill, and the report of the House of Commons Committee; it has heard officials of both the Department of Finance and the Department of Revenue on the purposes of the bill.

The bill is clearly an improvement on the present practice. As has been mentioned by the sponsor of the bill, our present legislation

is very old and has been left without any revision for quite some time.

The bill contains mainly two new ideas. First, it provides a more flexible and more practical definition of dumping. The definition used up to now has proven to be very rigid; the new definition tries to find really if there is dumping—it is not merely an arithmetic solution, it tries to find the facts.

The second new idea is the requirement for the imposition of anti-dumping duty, that the dumping, if it exists, once it is proven, must be such as to cause injury. If dumping does not cause injury, what is the purpose of imposing an anti-dumping duty? Yet that was the situation up to now.

Therein lies the essential improvement deriving from the bill.

Honourable senators, the bill provides for procedures to achieve this end. These are rather complicated and I do not think it is very useful at this time to go into them. As I have said, the House of Commons Committee and our own committee considered the procedure. Several amendments were suggested by the House of Commons Committee and were embodied in the bill. Some further amendments were made to the bill yesterday in the other place, but none were really material. They were merely to improve the procedure itself.

I do not think it would serve any purpose, after the study we have made in our committee, to go into details at this time. I think the efficiency of the legislation will be proven only by experience, and, if it is not speedy enough, if it does not achieve the purposes that I have mentioned, then it will be the duty of the Government to suggest amendments. But at this time we have to wait to see what will be the result. It seems to me that the system proposed by the bill should prove to be practical and efficient; but if it does not, we can always improve on the present bill by amending it.

Therefore, we need not have a long debate before giving second and third readings to this bill. The sponsor has given us a thorough explanation, for which we are indebted to him. I am happy to join with him in commending this bill to the Senate.

Hon. John J. Connolly: The debate that we are having here this afternoon must be related as well to the explanation given yesterday by the Acting Chairman of the Standing Committee on Banking and Commerce, Senator Leonard, at which time the report of that committee was discussed by this house. I am sure every honourable senator feels very much as I do, that we are indebted to the sponsor, Senator Hays, who has made the high points in this very important legislation crystal clear, and for the supplementary work that was done on it in the speech just delivered by the Leader of the Opposition.

As I say, yesterday we had the privilege of receiving a report from Senator Leonard about the work of the committee. For a good many years the manufacturers in this country have been concerned about the problem of dumping. We live beside a neighbour which produces manufactured goods in great quantities. Sometimes ends of runs and end of season materials which are not readily saleable in the United States are thrown onto the Canadian market at prices very much below the prices at which they could be manufactured here, and below the selling price in the country of origin. Sometimes, of course, this practice results in a benefit to the consumer.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Connolly (Ottawa West): And to that extent the dumping or the alleged dumping may have a beneficial effect. But we have now this new proposal before us in this legislation which, particularly in a country like Canada, is highly important, namely, the provision for the anti-dumping tribunal proposed in section 21 of the bill as passed by the House of Commons.

As was discussed in the committee, we have infant industries in this country, industries that are growing and struggling, and if dumping occurs to the detriment of that growth, the tribunal, which is intended to be full time and which will be—as one of the members of the committee said—a sort of poor man's court, will be available to the people in such industries. They can go there, and if in fact dumping has been found to be the case on a mathematical basis by the department, they can argue: "If you allow these goods to come in here, we are going to be severely hurt, and our industry will not develop, though it is a viable industry and could otherwise develop."

I think this is a great step forward, and I am particularly pleased that it should come out of an international conference like the Kennedy Round which had as its main purpose the freeing of trade all over the world, and the freeing of manufacturers, producers and exporters from artificial barriers and shackles that bind them. From that point of view, I think a great advance has been made

for Canadian manufacturers, producers and industrialists who have been arguing for years that this was the kind of provision we should have in our law. Even though it took a large international conference to bring it about, nevertheless I am delighted that it has happened.

Honourable senators, at this point I want to say a word about our procedure. More and more we are getting to the point where we can complain less and less about legislation coming to us at the last minute and that we have to rubber-stamp it. This is a wonderful example of prescience on the part of Senator "Hammy" McDonald. It was feared that this bill would not be here until the dying moments of the session. What he did was to take the White Paper which contained substantially the bill now before us and send it to a committee for consideration. Under the leadership of Senator Leonard and with the assistance of the sponsor of the bill and the Leader of the Opposition—perhaps I should not single out persons—and with the assistance of honourable senators who obviously had knowledge of the dumping provisions of the Customs Act, there was a very thorough discussion of the bill. The result is that today we are in a position where we know exactly what we have before us, even though we have not had the bill itself for more than an hour. There may be one or two who saw it last night.

This reflects good management in the Senate, and the more of this kind of thing we do, the better off we will be. Certainly, from the point of view of our consciences we are much better off because we know that we have passed legislation that has had consideration from one of the best committees of the Senate. We are indeed indebted to the sponsor, to Senator Flynn, and to Senator Leonard for the speech he delivered yesterday, in connection with the bill.

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Hon. Harry Hays: Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

Motion agreed to and bill read third time and passed.

DOCUMENTS TABLED

Hon. Paul Martin tabled:

Copies of letters exchanged between the Secretary of the Treasury of the Government of the United States and the Minister of Finance with reference to the financial relationship between Canada and the United States. (English and French texts).

Report of the Northern Canada Power Commission, including its Accounts and Financial Statements certified by the Auditor General, for the fiscal year ended March 31, 1968, pursuant to section 24 of the Northern Canada Power Commission Act, chapter 196, R.S.C., 1952, as amended by Chapter 42, Statutes of Canada, 1956, and sections 85(3) and 87(3) of the Financial Administration Act, chapter 116, R.S.C., 1952. (French text).

Capital budget of the Northern Canada Power Commission for the fiscal year ending March 31, 1969, pursuant to section 80(2) of the Financial Administration Act, chapter 116, R.S.C., 1952, together with copy of Order in Council P.C. 1968-2152, dated November 21, 1968, approving same. (English and French texts).

Copies of text of Agreement adopted by the final plenary meeting of the United Nations Conference on Trade and Development, relative to the establishment of an International Sugar Organization. (English and French texts).

CANADA ELECTIONS ACT (AGE OF VOTERS)

BILL TO AMEND—FIRST READING

Hon. Hazen Argue presented Bill S-24, to amend the Canada Elections Act (Age of Voters).

Bill read first time.

On motion of Hon. Mr. Argue, bill placed on the Orders of the Day for second reading on January 21, 1969.

NAVIGABLE WATERS PROTECTION ACT

BILL TO AMEND—AUTHORITY TO PRINT

Hon. Gunnar S. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, presented the following report of the committee on Bill S-19, to amend the Navigable Waters Protection Act:

Your committee recommends that authority be granted for the printing of 800

copies in English and 300 copies in French of its proceedings on the said bill.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Thorvaldson: I move, with leave of the Senate, that the report be adopted now.

Report adopted.

REPORT OF COMMITTEE

Hon. Mr. Thorvaldson, Chairman of the Standing Committee on Transport and Communications, reported that the committee had considered Bill S-19, to amend the Navigable Waters Protection Act, and had directed that the bill be reported without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. McElman: Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

Hon. Senators: Agreed.

Motion agreed to and bill read third time.

The Hon. the Speaker: Honourable Senators, this bill has been read a third time and is now ready to pass. Is it your pleasure honourable senators, to pass this bill?

Hon. John J. Connolly: Honourable senators, I rise now because this motion to pass a bill is one that will probably never be put again in the Senate, under our amended rules. I do so only to draw attention to the fact that when a bill has been read the third time hereafter it will have passed, and the formula used by his Honour the Speaker will make it clear that there is no further procedure. Heretofore, this has always been a stage at which debate could take place.

In connection with this very important bill, I might remark that Chubby Power used to say that we are great fellows in here for paying each other compliments. For the most part, I have found that the compliments are deserved. We had an excellent committee meeting on this bill this morning, under the new chairman of the Transport Committee, Senator Thorvaldson. With the help of the officials from the Department of Transport he guided us through this bill which, as the sponsor, Senator McElman, originally explained, now transfers the jurisdiction in connection with navigable waters, which was formerly exercised by the Department of Public Works, to the Department of Transport where it properly belongs. Now the public and those concerned will be able to deal with one department instead of running between two, and really not knowing whether they are falling between two stools.

So, I believe it is a very useful and progressive bill. The commitee, under the chairmanship of Senator Thorvaldson, deserves much credit for the way it handled its consideration and for the kind of cross-examination to which it subjected the officials.

Bill passed.

STANDING COMMITTEES

REPORT OF COMMITTEE OF SELECTION PRESENTED

Hon. A. Hamilton McDonald presented the following report of the Committee of Selection:

> The Committee on Selection, appointed in accordance with paragraph 11 of the Third Report of the Special Committee of the Senate on the Rules of the Senate, as amended by the Committee of the whole and adopted by the Senate on November 19, 1968, reports as follows:
>
> Your committee has the honour to submit herewith the list of senators nominated by it to serve on each of the following standing committees, namely:

Hon. Senators: Dispense.

(*For the text of report see Appendix pp. 834-5.*)

The Hon. the Speaker: Honourable senators when shall this report be taken into consideration?

Hon. Mr. McDonald moved that the report be placed on the Orders of the Day for consideration at the next sitting.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Paul Martin: Honourable senators, usually at this time of the week I give an indication of the work anticipated in the following week. I do not propose to do that today because we shall not be meeting for some time. Before making a motion regarding the date of our return after the Christmas recess, I should like to inform the house that

this morning I made a recapitulation of the work we have done so far in this present session of Parliament.

As to the legislative program of the administration some 16 bills were introduced in the other place and 13 were introduced in this house. We have passed eight, as compared with ten that were passed in the other place. Nine private bills were introduced in this house, of which we have passed eight. Two private bills have been introduced in the other place, and one has been passed.

The legislative record this session, particularly to me a newcomer to this chamber, is an impressive one. When one considers that in addition we have had debates on various motions, beginning with the motion for the re-appointment of a special committee of the Senate on the Science Policy, and when one takes into account the important meetings that committee has held during the past two and a half months, one recognizes that in addition to our legislative program the committees of this house are engaged in important work.

We have had, of course, several days of debate on the motion for the adoption of the report of the Special Committee of the Senate on the Rules of the Senate. That debate is of a fundamental character. While we have adopted a certain portion of that committee's report, the debate itself is not over. The report represents a great deal of work, as we all know, on the part of the committee and of this house.

We were given the responsibility of examining the Estimates and the revised Estimates for the fiscal year ending March 31, 1969. These were considered by the Standing Committee on Finance. We have debated a motion for the establishment of a committee of the Senate to inquire into and report upon existing legislation regarding the census and statistics. We have received from the Standing Committee on Banking and Commerce a report suggesting that this matter should be dealt with by a special committee of this house. I should mention that the subject matter of this study was brought to our attention by Senator Carter, who felt that there were some aspects of our census operations that could be improved upon. The report of this committee will provide a valuable preliminary study to the introduction of legislation at the next session of Parliament.

We have dealt with the supplementary Estimates for the fiscal year ending March 31, 1969, which were considered by the Standing Committee on Finance. We have debated a motion for the appointment of a special committee of the Senate on Poverty. This took up at least seven debating sessions. We have had referred to us, as a result of the initiative taken by Senator McDonald, the White Paper on anti-dumping. We have just passed the legislation that was embraced by it.

From this brief summary it can be seen that we have had, during the past two and a half months, a program of work which points up the usefulness and importance of the Senate. In addition to the record I have outlined, we have debated various aspects of Canada's commitment to the North Atlantic Treaty Organization. From time to time we have discussed certain other aspects of foreign policy.

Honourable senators, while we are not here to applaud ourselves for what we have done, it is only right we should indicate that we have not failed to discharge our obligations as members of Parliament.

ADJOURNMENT

Hon. Paul Martin: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Tuesday, January 21, 1969, at 3 o'clock in the afternoon.

Hon. Jacques Flynn: Honourable senators, I think the occasion of this motion was properly chosen by the honourable Leader of the Government to recapitulate what has been going on in this chamber since the beginning of the session last September 12. It is useful to have a record of what has been accomplished, not so much for the information of members of this house, because we know the Senate is performing efficient, useful, and arduous work, but for the information of the violent critics of the Senate who are usually the least informed about it.

Motion agreed to.

PRIVATE BILL

GILLESPIE MORTGAGE CORPORATION— THIRD READING

Hon. J. Campbell Haig moved the third reading of Bill S-22, respecting Gillespie Mortgage Corporation.

Motion agreed to and bill read third time, and passed.

CANADA SHIPPING ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Leopold Langlois moved the second reading of Bill S-23, to amend the Canada Shipping Act.

He said: Honourable senators, this bill contains a variety of amendments to the Canada Shipping Act which, as you know, is one of the most lengthy of our statutes. As will be recalled, only recently the Minister of Transport announced plans for a complete revision of the Canada Shipping Act. However, the amendments we now have before us cannot wait for the revision.

The bill contains our first legislative provisions concerning the new type of conveyance called "air-cushion vehicles." Until now these vehicles have been subject to regulation under the Aeronautics Act, but as they are in fact surface vehicles, that is not the appropriate act. I should make it clear that it is not intended that they be regarded as ships, but only that they be subject to some of the provisions of the Canada Shipping Act in the same manner as ships when they are being operated over the surface of the water. The provisions now proposed in this respect must be regarded as an interim measure only. There seems to be no doubt that ultimately we will need special legislation for air-cushion vehicles, but I believe this would be premature at this time until we know much more about these new craft and how they are likely to develop.

There is provision in the bill to allow landed immigrants to hold certificates as masters, mates and engineers on ships, a privilege now restricted to British subjects.

Provision is also made to permit regulations to be passed requiring ships of nine tons gross tonnage and over to be subject to inspection requirements. The present lower limit is 15 tons gross tonnage.

In order to complement the provisions of the Canada Labour (Safety) Code there is provision for making regulations on the subject of accident prevention aboard ship, and a provision respecting the reporting of accidents that occur on ships. Another clause requires the reporting of other accidents such as collisions or groundings of ships in our waters. Heretofore, only accidents to British ships were required to be reported.

There is a provision for regulations to be made on the subject of pollution of our waters by garbage, sewage and other matters from ships and, as has been recommended by the Auditor General, there is a provision that will allow any wrecked vessel to be removed at the expense of the owner if it is causing pollution or likely to do so.

There is also provision for regulations to be made requiring all vessels in our waters to be fitted with radio installations and to be provided with operators. This has been found necessary for traffic control purposes.

In order to remove some doubts as to the validity of some of the by-laws and procedures in the administration of pilotage, there is a provision stating that all existing by-laws are valid.

In order that we may give effect to the provisions of the International Convention on Load Lines, 1966, there are amendments to bring the provisions of the act into line with that convention.

Finally, there are a number of miscellaneous items such as the repeal of certain archaic sections relating to seamen and provisions giving some uniformity to the sections relating to offences and penalties.

Honourable senators, I recommend this bill for favourable consideration by the Senate.

On motion of Hon. Mr. Flynn, debate adjourned.

DIVORCE

RESOLUTIONS ADOPTED

The Senate proceeded to consideration of Resolutions numbered 439 to 501, inclusive, which were presented yesterday.

Hon. Arthur W. Roebuck, chairman of the Standing Committee on Divorce, moved the adoption of the following resolutions:

Resolution 439, for the relief of Claude Richer.

Resolution 440, for the relief of Joseph Jean-Claude Richard.

Resolution 441, for the relief of Marie-Paule Dion Levesque.

Resolution 442, for the relief of Diane Elizabeth Sabino Nicholson.

Resolution 443, for the relief of Patricia Forget Julien.

Resolution 444, for the relief of Lynn Ellen Spencer Johnson.

Resolution 445, for the relief of Emery Demers.

Resolution 446, for the relief of Lise Ballard Ouellette.

Resolution 447, for the relief of Raymond Barrington Stanley.

Resolution 448, for the relief of Marcel Berichon.

Resolution 449, for the relief of Roland Joseph Roger Turgeon.

Resolution 450, for the relief of Eugenia Christina Jakubas Slomczewski.

Resolution 451, for the relief of Joseph Welle (Willie) Jean Bernard Lafreniere.

Resolution 452, for the relief of Françoise Lapointe Lafreniere.

Resolution 453, for the relief of John Gerald Kelly.

Resolution 454, for the relief of Joseph Edmond Guy Pierre Laberge.

Resolution 455, for the relief of Charles Duncan Carroll.

Resolution 456, for the relief of Marie Reine Suzanne Michelle Dionne Latraverse.

Resolution 457, for the relief of Becky Rawas Serebecbere.

Resolution 458, for the relief of Joan Elizabeth Best Beaudoin, otherwise known as Joan Elizabeth Best Jolley.

Resolution 459, for the relief of Joan Catherine Langevin Pilon.

Resolution 460, for the relief of Nancy Evelyn Wayman McConnell.

Resolution 461, for the relief of Rhona Mary Deere Glenn, otherwise known as Rhona Mary Deere Glen.

Resolution 462, for the relief of Duncan McDougall Laird.

Resolution 463, for the relief of Kenneth Clarke Grey.

Resolution 464, for the relief of Dale Ernest Prior.

Resolution 465, for the relief of Wayne Melvin Young.

Resolution 466, for the relief of Nicole Gasse St. Jean.

Resolution 467, for the relief of Charles Arthur Pedley.

Resolution 468, for the relief of Jogues Girard.

Resolution 469, for the relief of Ethel Elchitz Arlinsky Stoller.

Resolution 470, for the relief of Milton Robert Rosenfeld.

Resolution 471, for the relief of Raymond Legault.

Resolution 472, for the relief of Tamara Givot Duffus.

Resolution 473, for the relief of Jennifer Jane Sutherland Hurst Lloyd.

Resolution 474, for the relief of Audrey Helen Inverarity Smith Shackell.

Resolution 475, for the relief of Adèle Goldstein Leibovitch.

Resolution 476, for the relief of Ghislaine Mathieu Giroux.

Resolution 477, for the relief of Joanne Margaret Helen Webster Sheard.

Resolution 478, for the relief of Alison Anne Cuthbert Hodge.

Resolution 479, for the relief of Jacqueline Doris Simonsen Doyle.

Resolution 480, for the relief of Eugène Thériault.

Resolution 481, for the relief of Jean Yves Dion.

Resolution 482, for the relief of Christiane Ranger Chouinard.

Resolution 483, for the relief of Susan Linda Desrosiers Vasnevsky.

Resolution 484, for the relief of Jeanne Leccisi Leguina.

Resolution 485, for the relief of Gloria Anne Telford Allaston.

Resolution 486, for the relief of Johannes Boode.

Resolution 487, for the relief of Sarah Elizabeth McAlpine Taylor.

Resolution 488, for the relief of Francine Dumouchel Beausejour.

Resolution 489, for the relief of Lincoln William Olson.

Resolution 490, for the relief of Doris Deanna Watson Kuipers.

Resolution 491, for the relief of Doris Teodine Johnson Oneson.

Resolution 492, for the relief of Guy Scott.

Resolution 493, for the relief of Michele Louise Gertrude Rivard Stevens.

Resolution 494, for the relief of Eugenia Humchak (Humchack) Zagurak.

Resolution 495, for the relief of Marie Rita Therese Deschamps Pare Briscoe.

Resolution 496, for the relief of Eileen Mary Morrissey Richardson.

Resolution 497, for the relief of Mildred Helen Page Page.

Resolution 498, for the relief of Fernande Marsolais Morin.

Resolution 499, for the relief of Asteropi Sotiriou Hatzipetrou Gerogiannis Laskaris.

Resolution 500, for the relief of Marie Denise Lisette Leroux Holmes.

Resolution 501, for the relief of Maria Mak Kramer Papp.

He said: Honourable senators, I should like to make a remark or two on this motion. Our commissioners have not made quite as much progress in the last month or so as I had anticipated, but we are nearly through the work in its bulk, though I do not know about its timing. We have about 35 contested cases still to be heared and about the same number of uncontested cases. Some of them have been taking an undue length of time because they are old, and I suppose they have not been brought to trial because they are difficult. In the result, there has been more delay than I had anticipated in the reports I had received from our officials at an earlier date.

At the same time, I think I can say that we have finished the bulk of the work. However, there will be some reports to present after we return. It is exceedingly difficult to say just how long these 35 contested cases will take, but I can assure the house that we are doing everything possible to bring them to a conclusion.

Honourable senators may have noticed that a number of cases have been dismissed in our reports for want of prosecution. We have returned some money on some occasions when that was justified, but for the most part to those who have not attended to their petitions, not paid the fees, we have been giving 15 days' notice to signify their intention of going on and satisfying the rules, or their case would be dismissed for want of process. That has been going on, and the work will be conducted along those lines during the recess. I think that some time about February, I will have quite a number of petitions to be dismissed.

I wish to let honourable senators know that we are doing what we can to bring this matter to a conclusion, but properly to a conclusion and not just hurriedly. It will not be so very long before, as honourable senators seem to desire so greatly, we will have concluded this hundred years of work.

Resolutions adopted, on division.

RULES OF THE SENATE

MOTION FOR ADOPTION OF FOURTH REPORT OF SPECIAL COMMITTEE—DEBATE CONTINUED

The Senate resumed from Thursday, December 12, the adjourned debate on the motion of Hon. Mr. Molson for the adoption of the Fourth Report of the Special Committee on the Rules of the Senate which was presented on Thursday, November 28.

Hon. J. Campbell Haig: Honourable senators, after listening to the brilliant discussion and introduction of the motion for the adoption of this report by Senator Molson a few days ago, I have a few remarks to make. The Special Committee on the Rules of the Senate was a most interesting committee to work on. The chairman and the staff had the work well organized. We went back to the B.N.A. Act and even prior to that, but I do not think that any changes we make in our rules will be the complete answer to the success of the work of this chamber. I have a few suggestions to make for discussion at some future time.

I recommend a better allocation of our time and more co-operation with the government of the day in scheduling our work. An example was indicated this afternoon by the honourable Senator Connolly (Ottawa West) on the question of referring to committee the White Paper on Anti-Dumping. This type of procedure could be used more often, enabling us to discuss matters in committee with departmental officials before the legislation itself has been introduced in the Senate. We would then gain a knowledge ahead of time which would be of benefit to us.

I also think that our system of recording our attendance is obsolete, and in fact it is entirely wrong. It is not in accordance with the Senate and House of Commons Act. In the other place each member makes a declaration. We do not do that. Our attendance record is kept as though we were in grade school. It is printed in the *Minutes of the Proceedings* each day. We can absent ourselves from this house by producing a doctor's letter, but a letter from us is not acceptable. This is something that could be considered by a committee at some future time.

The $4,000 real property qualification was all right in 1867, but today $4,000 will not buy 10 feet of a vacant corner lot 50 miles from any city. I think this requirement is obsolete and useless, but we still have it. I also think that a membership in this house should not be considered as a part-time occupation. I

know certain senators who conduct their business from this place. This, I think, is wrong. A person does not need to accept the position when offered it, but we accept it knowing the responsibilities attendant upon it, and therefore we should devote our full time to it.

I also think, as mentioned by Senator MacKenzie yesterday in regard to secretarial help—although that is not a problem of mine at the moment—that there should be something done in the Senate, as they do in the other place, in regard to research staff. If we had the suggested timetable I am recommending, we would know two to three weeks in advance what bills were coming up. The whips and the leaders could allocate to the senators what they should speak on, and then they would have time for research.

This chamber has in it some of the leading professional and business people in our nation, and I know from talking to some of them that they suffer a great deal of frustration here. In their own businesses they were willing to work a five-and-a-half to six-day week. As it is now they sit for two or three days and then they become bored. That is not an idle statement. I mentioned this before, and several members came to me and said that six months after they were summoned to the Senate they were ready to resign. I asked them why, and they replied that they had not enough to do. They said they had always worked hard. I think that is what most of honourable senators wish to continue to do.

I also think that when we return in the new year consideration should be given to the idea of having Senate committees sit while the house is in session or in periods of recess. If a committee sits in the morning of a certain day a senator should be given credit for his attendance, or if a committee sits during a recess of the Senate, such as has happened in the past, he should be credited for that attendance. Consideration should be given by the leaders and the whips to having certain committees meet on certain days of the week. It has been traditional for our standing Committee on Banking and Commerce to sit on Wednesdays, and perhaps the Standing Committee on Transport and Communications could sit on Tuesdays, and the Standing Committee on Finance on Thursdays. A suggestion could be made to the Government Leader and the Government Whip that we adjourn at 4.30 p.m. on certain afternoons to enable us to attend committee meetings. In other words, honourable senators, I would like to see a better allocation of our time.

I tried in the Committee on the Rules of the Senate to have the Senate commence its sitting at 2.30, but I got slapped down hard—much harder than yesterday afternoon on my pronunciation of French.

I think the Government Leader could arrange for us to get money bills, Estimates, into the Senate a little in advance of 3.30 p.m. on the day before the end of the month when the money is required. We have had this rush in the past and we have passed Estimates only to find that the Government had enough money for about 13 or 14 days in the next month.

What I want to see is what happened with respect to the anti-dumping legislation, material being given to us early enough so that a thorough study can be made in committee.

On the motion of Hon. Mr. McDonald, debate adjourned.

The Senate adjourned during pleasure.

At 5.45 p.m. the sitting was resumed.

The Senate adjourned during pleasure.

ROYAL ASSENT

The Honourable Gérald Fauteux, Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An act to amend the Customs Tariff.

An act respecting the imposition of anti-dumping duty.

The Honourable Lucien Lamoureux, Speaker of the House of Commons, then addressed the Honourable the Deputy of His Excellency the Governor General as follows:

May it please Your Honour:

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending 31st March, 1969.

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, January 21, 1969, at 3 p.m.

APPENDIX

(*See p. 827.*)

REPORT OF COMMITTEE OF SELECTION

Thursday, December 19th, 1968.

The Committee of Selection, appointed in accordance with paragraph 11 of the Third Report of the Special Committee of the Senate on the Rules of the Senate, as amended by the Committee of the Whole and adopted by the Senate on November 19th, 1968, reports as follows:

Your Committee has the honour to submit herewith the list of senators nominated by it to serve on each of the following standing committees, namely:

THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable the Speaker, the Honourable Senators Bélisle, Cameron, Fergusson, Fournier (De Lanaudière), Gladstone, Gouin, Haig, Irvine, Kinnear, MacDonald (Queens), O'Leary (Antigonish-Guysborough), White and Yuzyk. (13)

THE JOINT COMMITTEE ON THE PRINTING OF PARLIAMENT

The Honourable Senators Haig, Isnor, McGrand, O'Leary (Antigonish-Guysborough), Pearson, Phillips (Prince), Savoie, Sullivan, Welch and Willis. (10)

THE JOINT COMMITTEE ON THE RESTAURANT OF PARLIAMENT

The Honourable the Speaker, the Honourable Senators Beaubien (Provencher), Fergusson, Inman, Macdonald (Cape Breton) and White. (5)

THE COMMITTEE ON STANDING RULES AND ORDERS

The Honourable Senators Boucher, Choquette, Connolly (Ottawa West), Davey, Desruisseaux, Eudes, Everett, *Flynn, Fournier (De Lanaudière), Haig, Hollett, Lang, Langlois, Leonard, Macdonald (Cape Breton), *Martin, McDonald, Molson, Phillips (Rigaud), Thorvaldson, Walker and White. (20)

**Ex officio* members

THE COMMITTEE ON INTERNAL ECONOMY AND CONTINGENT ACCOUNTS

The Honourable Senators Basha, Beaubien (Bedford), Benidickson, Bourque, Choquette, Deschatelets (Speaker), Dessureault, *Flynn, Fournier (De Lanaudière), Hastings, Hayden, Irvine, Isnor, Langlois, Lefrançois, Macdonald (Cape Breton), *Martin, McDonald, McElman, McLean, Molson, **Smith (Queens-Shelburne), Urquhart and White. (25)

**Ex officio* members

***See p. 844*

THE SENATE COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Aird, Bélisle, Cameron, Carter, Choquette, Croll, Davey, Eudes, Fergusson, *Flynn, Gouin, Grosart, Haig, Hastings, Laird, Lang, Macnaughton, *Martin, McElman, McLean, O'Leary (Carleton), Pearson, Phillips (Rigaud), Quart, Rattenbury, Robichaud, Savoie, Sparrow, Sullivan, Thorvaldson, White and Yuzyk. (30)

**Ex officio* members

THE SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Beaubien (Bedford), Benidickson, Bourget, Bourque, Desruisseaux, Dessureault, Everett, *Flynn, Fournier (Madawaska-Restigouche), Gélinas, Grosart, Hays, Isnor, Irvine, Kinley, Laird, Leonard, MacDonald (Queens), *Martin, Méthot, Molson, McDonald, McLean, Nichol, Paterson, Pearson, Phillips (Rigaud), Phillips (Prince), O'Leary (Antigonish-Guysborough), O'Leary (Carleton), Sparrow and Walker. (30)

**Ex officio* members

THE SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Aseltine, Blois, Bourget, Burchill, Connolly (Halifax North), Davey, Denis, *Flynn, Fournier (Madawaska-Restigouche), Gladstone, Hayden, Hollett, Isnor, Kinley, Kinnear, Langlois, Lefrancois, Macdonald (Cape Breton), *Martin, McElman, McGrand, Michaud, Molson, O'Leary (Antigonish-Guysborough), O'Leary (Carleton), Pearson, Petten, Rattenbury, Smith (Queens-Shelburne), Sparrow, Thorvaldson and Welch. (30)

**Ex officio members.*

THE SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Argue, Aseltine, Bélisle, Choquette, Connolly (Ottawa West), Cook, Croll, Eudes, Everett, Fergusson, *Flynn, Giguère, Gouin, Grosart, Haig, Hayden, Hollett, Lamontagne, Lang, Langlois, Macdonald (Cape Breton), Martin, McElman, Méthot, Phillips (Rigaud), Prowse, Roebuck, Thompson, Urquhart, Walker, White and Willis. (30)

**Ex officio members.*

THE SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Aird, Aseltine, Beaubien (Bedford), Benidickson, Blois, Burchill, Carter, Choquette, Connolly (Ottawa West), Cook, Croll, Desruisseaux, Flynn, Gelinas, Giguère, Haig, Hayden, Hollett, Inman, Isnor, Kinley, Lang, Leonard, Macnaughton, *Martin, Molson, Savoie, Thorvaldson, Walker, Welch, White and Willis (30)

**Ex officio members.*

THE SENATE COMMITTEE ON HEALTH, WELFARE AND SCIENCE

The Honourable Senators Bélisle, Blois, Bourget, Cameron, Carter, Connolly (Halifax North), Croll, Denis, Fergusson, *Flynn, Fournier (De Lanaudière), Fournier (Madawaska-Restigouche), Gladstone, Hays, Hastings, Inman, Irvine, Kinnear, Lamontagne, Macdonald (Cape Breton), *Martin, McGrand, Michaud, O'Leary (Antigonish-Guysborough), Phillips (Prince), Quart, Robichaud, Roebuck, Smith (Queens-Shelburne), Sullivan, Thompson and Yuzyk. (30)

**Ex officio members.*

All which is respectfully submitted.

A. H. McDonald,
Chairman

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Abbreviations

1r, 2r, 3r,	=	First, second, third reading
amdts	=	amendments
com	=	committee
div	=	division
m	=	motion
neg	=	negatived
ref	=	referred
rep	=	report
r.a.	=	royal assent

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3.	Canadian National Railway Branch line	C-109

Assented to October 31, 1968

4.	Judges Act, an Act to amend	C-114
5.	Post Office Act, an Act to amend	C-116

Assented to November 14, 1968

6.	Farm Credit Act, an Act to amend	C-110
7.	Farm Improvement Loans Act, an Act to amend	C-111
8.	Prairie Grain Advance Payments Act, an Act to amend	C-113

Assented to November 29, 1968

9.	Canadian National Railways Financing and Guarantee Act, 1968	C-124

Assented to December 19, 1968

10.	Anti-dumping Act	C-146
11.	Appropriation Act No. 4, 1968	C-141
12	Customs Tariff, an Act to amend	C-131

Assented to February 13, 1969

13.	Aeronautics Act, an Act to amend	S-14
14.	Canada Evidence Act, an Act to amend	S-3
15.	Navigable Waters Protection Act, an Act to amend	S-19
16.	Prairie Grain Advance Payments Act, an Act to amend	C-162
17.	Precious Metals Marking Act	S-4

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